



January 30, 2002

HOUSE BILL No. 1313

DIGEST OF HB 1313 (Updated January 29, 2002 2:32 PM - DI 96)

Citations Affected: IC 22-3; IC 22-4; noncode.

Synopsis: Worker's and unemployment compensation. Provides for changes to benefits due for worker's compensation. Establishes the second injury fund for occupational diseases. Provides for 10% interest from the date of filing an application for an adjustment of claim concerning the payment of workers' compensation. Provides that an employee who: (1) has an injury or occupational disease that results in a temporary total disability or a temporary partial impairment; and (2) is capable of performing work with permanent limitations or restrictions that prevent the employee from returning to the position the employee held before the employee's injury or occupational disease may receive compensation for the difference in average weekly earnings lost. Limits disabled from trade compensation and establishes a cap on compensation. Reduces worker's compensation due by 20% for certain acts or the failure to act by the employee (instead of denying compensation altogether). Provides that unemployment benefits retroactive to the date of the beginning of a strike subject to the maximum benefit periods due may be paid to a striking individual when the employer shuts down operations. Provides that certain strike related benefits are not considered remuneration for purposes of computing deductible income for unemployment benefits, repeals the one week waiting period for benefits, and changes the base period used to compute benefits. Raises the unemployment compensation maximum wage credits. Establishes work sharing and job training unemployment compensation benefits. Makes conforming amendments.

Effective: Upon passage; January 1, 2002; July 1, 2002; January 1, 2003.

Liggett

January 15, 2002, read first time and referred to Committee on Labor and Employment.
January 29, 2002, amended, reported — Do Pass.

HB 1313—LS 7321/DI 96+



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January 30, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1313

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-3-2-8 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2002]: Sec. 8. ~~No~~ **The monetary** compensation
3 **is allowed under IC 22-3-3-8, IC 22-3-3-9, and IC 22-3-3-10** for an
4 injury or death **shall be reduced by twenty percent (20%)** due to the
5 employee's:

6 (1) ~~knowingly~~ **willfully** self-inflicted injury;

7 (2) ~~his~~ intoxication;

8 (3) ~~his~~ commission of an offense;

9 (4) ~~his knowing~~ **willful** failure to use a safety appliance;

10 (5) ~~his knowing~~ **willful** failure to obey a reasonable written or
11 printed rule of the employer which has been posted in a
12 conspicuous position in the place of work; or

13 (6) ~~his knowing~~ **willful** failure to perform any statutory duty.

14 The burden of proof is on the defendant.

15 SECTION 2. IC 22-3-3-7 IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) Compensation shall be
17 allowed on account of injuries producing only temporary total disability

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to work or temporary partial disability to work beginning with the eighth (8th) day of such disability except for medical benefits provided in section 4 of the chapter. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

(b) The first weekly installment of compensation for temporary disability is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from the date that the first installment of compensation is due, the employer or the employer's insurance carrier shall tender to the employee or to the employee's dependents, with all compensation due, a properly prepared compensation agreement in a form prescribed by the board. Whenever an employer or the employer's insurance carrier denies or is not able to determine liability to pay compensation or benefits, the employer or the employer's insurance carrier shall notify the worker's compensation board and the employee in writing on a form prescribed by the worker's compensation board not later than thirty (30) days after the employer's knowledge of the claimed injury. If a determination of liability cannot be made within thirty (30) days, the worker's compensation board may approve an additional thirty (30) days upon a written request of the employer or the employer's insurance carrier that sets forth the reasons that the determination could not be made within thirty (30) days and states the facts or circumstances that are necessary to determine liability within the additional thirty (30) days. More than thirty (30) days of additional time may be approved by the worker's compensation board upon the filing of a petition by the employer or the employer's insurance carrier that sets forth:

- (1) the extraordinary circumstances that have precluded a determination of liability within the initial sixty (60) days;
- (2) the status of the investigation on the date the petition is filed;
- (3) the facts or circumstances that are necessary to make a determination; and
- (4) a timetable for the completion of the remaining investigation.

An employer who fails to comply with this section is subject to a civil penalty of fifty dollars (\$50), to be assessed and collected by the board upon notice and hearing. Civil penalties collected under this section shall be deposited in the state general fund.

(c) Once begun, temporary total disability benefits may not be terminated by the employer unless:

- (1) the employee has returned to any employment;
- (2) the employee has died;
- (3) the employee has refused to undergo a medical examination



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under section 6 of this chapter or has refused to accept suitable employment under section 11 of this chapter;

(4) the employee has received five hundred (500) weeks of temporary total disability benefits or has been paid the maximum compensation allowed under section 22 of this chapter; ~~or~~

(5) the employee is unable or unavailable to work for reasons unrelated to the compensable injury; **or**

(6) the employee returns to work with limitations or restrictions, and the employer converts temporary total disability or temporary partial disability compensation into disabled from trade compensation under section 33 of this chapter.

In all other cases the employer must notify the employee in writing of the employer's intent to terminate the payment of temporary total disability benefits and of the availability of employment, if any, on a form approved by the board. If the employee disagrees with the proposed termination, the employee must give written notice of disagreement to the board and the employer within seven (7) days after receipt of the notice of intent to terminate benefits. If the board and employer do not receive a notice of disagreement under this section, the employee's temporary total disability benefits shall be terminated. Upon receipt of the notice of disagreement, the board shall immediately contact the parties, which may be by telephone or other means, and attempt to resolve the disagreement. If the board is unable to resolve the disagreement within ten (10) days of receipt of the notice of disagreement, the board shall immediately arrange for an evaluation of the employee by an independent medical examiner. The independent medical examiner shall be selected by mutual agreement of the parties or, if the parties are unable to agree, appointed by the board under IC 22-3-4-11. If the independent medical examiner determines that the employee is no longer temporarily disabled or is still temporarily disabled but can return to employment that the employer has made available to the employee, or if the employee fails or refuses to appear for examination by the independent medical examiner, temporary total disability benefits may be terminated. If either party disagrees with the opinion of the independent medical examiner, the party shall apply to the board for a hearing under IC 22-3-4-5.

(d) An employer is not required to continue the payment of temporary total disability benefits for more than fourteen (14) days after the employer's proposed termination date unless the independent medical examiner determines that the employee is temporarily disabled and unable to return to any employment that the employer has made

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1 available to the employee.

2 (e) If it is determined that as a result of this section temporary total
3 disability benefits were overpaid, the overpayment shall be deducted
4 from any benefits due the employee under section 10 of this chapter
5 and, if there are no benefits due the employee or the benefits due the
6 employee do not equal the amount of the overpayment, the employee
7 shall be responsible for paying any overpayment which cannot be
8 deducted from benefits due the employee.

9 SECTION 3. IC 22-3-3-10, AS AMENDED BY P.L.31-2000,
10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2002]: Sec. 10. (a) With respect to injuries in the following
12 schedule occurring prior to April 1, 1951, the employee shall receive
13 in addition to temporary total disability benefits not exceeding
14 twenty-six (26) weeks on account of the injuries, a weekly
15 compensation of fifty-five percent (55%) of the employee's average
16 weekly wages. With respect to injuries in the following schedule
17 occurring on and after April 1, 1951, and prior to July 1, 1971, the
18 employee shall receive in addition to temporary total disability benefits
19 not exceeding twenty-six (26) weeks on account of the injuries, a
20 weekly compensation of sixty percent (60%) of the employee's average
21 weekly wages. With respect to injuries in the following schedule
22 occurring on and after July 1, 1971, and before July 1, 1977, the
23 employee shall receive in addition to temporary total disability benefits
24 not exceeding twenty-six (26) weeks on account of the injuries, a
25 weekly compensation of sixty percent (60%) of the employee's average
26 weekly wages not to exceed one hundred dollars (\$100) average weekly
27 wages, for the periods stated for the injuries. With respect to injuries
28 in the following schedule occurring on and after July 1, 1977, and
29 before July 1, 1979, the employee shall receive, in addition to
30 temporary total disability benefits not exceeding twenty-six (26) weeks
31 on account of the injury, a weekly compensation of sixty percent (60%)
32 of his average weekly wages, not to exceed one hundred twenty-five
33 dollars (\$125) average weekly wages, for the period stated for the
34 injury. With respect to injuries in the following schedule occurring on
35 and after July 1, 1979, and before July 1, 1988, the employee shall
36 receive, in addition to temporary total disability benefits not to exceed
37 fifty-two (52) weeks on account of the injury, a weekly compensation
38 of sixty percent (60%) of the employee's average weekly wages, not to
39 exceed one hundred twenty-five dollars (\$125) average weekly wages,
40 for the period stated for the injury. With respect to injuries in the
41 following schedule occurring on and after July 1, 1988, and before July
42 1, 1989, the employee shall receive, in addition to temporary total

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1 disability benefits not exceeding seventy-eight (78) weeks on account
 2 of the injury, a weekly compensation of sixty percent (60%) of the
 3 employee's average weekly wages, not to exceed one hundred sixty-six
 4 dollars (\$166) average weekly wages, for the period stated for the
 5 injury.

6 With respect to injuries in the following schedule occurring on and
 7 after July 1, 1989, and before July 1, 1990, the employee shall receive,
 8 in addition to temporary total disability benefits not exceeding
 9 seventy-eight (78) weeks on account of the injury, a weekly
 10 compensation of sixty percent (60%) of the employee's average weekly
 11 wages, not to exceed one hundred eighty-three dollars (\$183) average
 12 weekly wages, for the period stated for the injury.

13 With respect to injuries in the following schedule occurring on and
 14 after July 1, 1990, and before July 1, 1991, the employee shall receive,
 15 in addition to temporary total disability benefits not exceeding
 16 seventy-eight (78) weeks on account of the injury, a weekly
 17 compensation of sixty percent (60%) of the employee's average weekly
 18 wages, not to exceed two hundred dollars (\$200) average weekly
 19 wages, for the period stated for the injury.

20 (1) Amputation: For the loss by separation of the thumb, sixty
 21 (60) weeks, of the index finger forty (40) weeks, of the second
 22 finger thirty-five (35) weeks, of the third or ring finger thirty (30)
 23 weeks, of the fourth or little finger twenty (20) weeks, of the hand
 24 by separation below the elbow joint two hundred (200) weeks, or
 25 the arm above the elbow two hundred fifty (250) weeks, of the big
 26 toe sixty (60) weeks, of the second toe thirty (30) weeks, of the
 27 third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks,
 28 of the fifth or little toe ten (10) weeks, and for loss occurring
 29 before April 1, 1959, by separation of the foot below the knee
 30 joint one hundred fifty (150) weeks and of the leg above the knee
 31 joint two hundred (200) weeks; for loss occurring on and after
 32 April 1, 1959, by separation of the foot below the knee joint, one
 33 hundred seventy-five (175) weeks and of the leg above the knee
 34 joint two hundred twenty-five (225) weeks. The loss of more than
 35 one (1) phalange of a thumb or toes shall be considered as the loss
 36 of the entire thumb or toe. The loss of more than two (2)
 37 phalanges of a finger shall be considered as the loss of the entire
 38 finger. The loss of not more than one (1) phalange of a thumb or
 39 toe shall be considered as the loss of one-half (1/2) of the thumb
 40 or toe and compensation shall be paid for one-half (1/2) of the
 41 period for the loss of the entire thumb or toe. The loss of not more
 42 than one (1) phalange of a finger shall be considered as the loss



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of one-third ($1/3$) of the finger and compensation shall be paid for one-third ($1/3$) the period for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger, shall be considered as the loss of one-half ($1/2$) of the finger and compensation shall be paid for one-half ($1/2$) of the period for the loss of the entire finger.

(2) For the loss by separation of both hands or both feet or the total sight of both eyes, or any two (2) such losses in the same accident, five hundred (500) weeks.

(3) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth ($1/10$) of normal vision with glasses, one hundred seventy-five (175) weeks.

(4) For the permanent and complete loss of hearing in one (1) ear, seventy-five (75) weeks, and in both ears, two hundred (200) weeks.

(5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of both testicles, one hundred fifty (150) weeks.

(b) With respect to injuries in the following schedule occurring prior to April 1, 1951, the employee shall receive in lieu of all other compensation on account of the injuries, a weekly compensation of fifty-five percent (55%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after April 1, 1951, and prior to April 1, 1955, the employee shall receive in lieu of all other compensation on account of the injuries a weekly compensation of sixty percent (60%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after April 1, 1955, and prior to July 1, 1971, the employee shall receive in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injuries, a weekly compensation of sixty percent (60%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after July 1, 1971, and before July 1, 1977, the employee shall receive in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injuries, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred dollars (\$100) average weekly wages, for the period stated for such injuries respectively. With respect to injuries in the following schedule occurring on and after July 1, 1977, and before July 1, 1979, the employee shall receive, in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages not to exceed one



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hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the injury. With respect to injuries in the following schedule occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not exceeding fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages not to exceed one hundred twenty-five dollars (\$125) average weekly wages for the period stated for the injury. With respect to injuries in the following schedule occurring on and after July 1, 1988, and before July 1, 1989, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the injury.

With respect to injuries in the following schedule occurring on and after July 1, 1989, and before July 1, 1990, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the injury.

With respect to injuries in the following schedule occurring on and after July 1, 1990, and before July 1, 1991, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the injury.

(1) Loss of use: The total permanent loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid for the same period as for the loss thereof by separation.

(2) Partial loss of use: For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(3) For injuries resulting in total permanent disability, five hundred (500) weeks.

(4) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection (a)(3), compensation shall be

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1 paid for a period proportionate to the degree of such permanent
 2 reduction without correction or glasses. However, when such
 3 permanent reduction without correction or glasses would result in
 4 one hundred percent (100%) loss of vision, but correction or
 5 glasses would result in restoration of vision, then in such event
 6 compensation shall be paid for fifty percent (50%) of such total
 7 loss of vision without glasses, plus an additional amount equal to
 8 the proportionate amount of such reduction with glasses, not to
 9 exceed an additional fifty percent (50%).

10 (5) For any permanent reduction of the hearing of one (1) or both
 11 ears, less than the total loss as specified in subsection (a)(4),
 12 compensation shall be paid for a period proportional to the degree
 13 of such permanent reduction.

14 (6) In all other cases of permanent partial impairment,
 15 compensation proportionate to the degree of such permanent
 16 partial impairment, in the discretion of the worker's compensation
 17 board, not exceeding five hundred (500) weeks.

18 (7) In all cases of permanent disfigurement which may impair the
 19 future usefulness or opportunities of the employee, compensation,
 20 in the discretion of the worker's compensation board, not
 21 exceeding two hundred (200) weeks, except that no compensation
 22 shall be payable under this subdivision where compensation is
 23 payable elsewhere in this section.

24 (c) With respect to injuries in the following schedule occurring on
 25 and after July 1, 1991, the employee shall receive in addition to
 26 temporary total disability benefits, not exceeding one hundred
 27 twenty-five (125) weeks on account of the injury, compensation in an
 28 amount determined under the following schedule to be paid weekly at
 29 a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's
 30 average weekly wages during the fifty-two (52) weeks immediately
 31 preceding the week in which the injury occurred.

32 (1) Amputation: For the loss by separation of the thumb, twelve
 33 (12) degrees of permanent impairment; of the index finger, eight
 34 (8) degrees of permanent impairment; of the second finger, seven
 35 (7) degrees of permanent impairment; of the third or ring finger,
 36 six (6) degrees of permanent impairment; of the fourth or little
 37 finger, four (4) degrees of permanent impairment; of the hand by
 38 separation below the elbow joint, forty (40) degrees of permanent
 39 impairment; of the arm above the elbow, fifty (50) degrees of
 40 permanent impairment; of the big toe, twelve (12) degrees of
 41 permanent impairment; of the second toe, six (6) degrees of
 42 permanent impairment; of the third toe, four (4) degrees of



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permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; by separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, and for the loss by separation of any of the body parts described in subdivision (3), (5), or (8), on or after July 1, 1999, the dollar values per degree applying on the date of the injury as described in subsection (d) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation, thirty-five (35) degrees of permanent impairment.

(6) For the reduction of vision to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(7) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(8) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of

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1 permanent impairment.

2 (9) Loss of use: The total permanent loss of the use of an arm, a
3 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be
4 considered as the equivalent of the loss by separation of the arm,
5 hand, thumb, finger, leg, foot, toe, or phalange, and compensation
6 shall be paid in the same amount as for the loss by separation.
7 However, the doubling provision of subdivision (2) does not
8 apply to a loss of use that is not a loss by separation.

9 (10) Partial loss of use: For the permanent partial loss of the use
10 of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
11 phalange, compensation shall be paid for the proportionate loss of
12 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

13 (11) For injuries resulting in total permanent disability, the
14 amount payable for impairment or five hundred (500) weeks of
15 compensation, whichever is greater.

16 (12) For any permanent reduction of the sight of an eye less than
17 a total loss as specified in subsection (a)(3), the compensation
18 shall be paid in an amount proportionate to the degree of a
19 permanent reduction without correction or glasses. However,
20 when a permanent reduction without correction or glasses would
21 result in one hundred percent (100%) loss of vision, then
22 compensation shall be paid for fifty percent (50%) of the total loss
23 of vision without glasses, plus an additional amount equal to the
24 proportionate amount of the reduction with glasses, not to exceed
25 an additional fifty percent (50%).

26 (13) For any permanent reduction of the hearing of one (1) or both
27 ears, less than the total loss as specified in subsection (a)(4),
28 compensation shall be paid in an amount proportionate to the
29 degree of a permanent reduction.

30 (14) In all other cases of permanent partial impairment,
31 compensation proportionate to the degree of a permanent partial
32 impairment, in the discretion of the worker's compensation board,
33 not exceeding one hundred (100) degrees of permanent
34 impairment.

35 (15) In all cases of permanent disfigurement which may impair
36 the future usefulness or opportunities of the employee,
37 compensation, in the discretion of the worker's compensation
38 board, not exceeding forty (40) degrees of permanent impairment
39 except that no compensation shall be payable under this
40 subdivision where compensation is payable elsewhere in this
41 section.

42 (d) Compensation for permanent partial impairment shall be paid

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1 according to the degree of permanent impairment for the injury
2 determined under subsection (c) and the following:

3 (1) With respect to injuries occurring on and after July 1, 1991,
4 and before July 1, 1992, for each degree of permanent impairment
5 from one (1) to thirty-five (35), five hundred dollars (\$500) per
6 degree; for each degree of permanent impairment from thirty-six
7 (36) to fifty (50), nine hundred dollars (\$900) per degree; for each
8 degree of permanent impairment above fifty (50), one thousand
9 five hundred dollars (\$1,500) per degree.

10 (2) With respect to injuries occurring on and after July 1, 1992,
11 and before July 1, 1993, for each degree of permanent impairment
12 from one (1) to twenty (20), five hundred dollars (\$500) per
13 degree; for each degree of permanent impairment from
14 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
15 per degree; for each degree of permanent impairment from
16 thirty-six (36) to fifty (50), one thousand three hundred dollars
17 (\$1,300) per degree; for each degree of permanent impairment
18 above fifty (50), one thousand seven hundred dollars (\$1,700) per
19 degree.

20 (3) With respect to injuries occurring on and after July 1, 1993,
21 and before July 1, 1997, for each degree of permanent impairment
22 from one (1) to ten (10), five hundred dollars (\$500) per degree;
23 for each degree of permanent impairment from eleven (11) to
24 twenty (20), seven hundred dollars (\$700) per degree; for each
25 degree of permanent impairment from twenty-one (21) to
26 thirty-five (35), one thousand dollars (\$1,000) per degree; for
27 each degree of permanent impairment from thirty-six (36) to fifty
28 (50), one thousand four hundred dollars (\$1,400) per degree; for
29 each degree of permanent impairment above fifty (50), one
30 thousand seven hundred dollars (\$1,700) per degree.

31 (4) With respect to injuries occurring on and after July 1, 1997,
32 and before July 1, 1998, for each degree of permanent impairment
33 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
34 degree; for each degree of permanent impairment from eleven
35 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
36 for each degree of permanent impairment from thirty-six (36) to
37 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
38 for each degree of permanent impairment above fifty (50), one
39 thousand seven hundred dollars (\$1,700) per degree.

40 (5) With respect to injuries occurring on and after July 1, 1998,
41 and before July 1, 1999, for each degree of permanent impairment
42 from one (1) to ten (10), seven hundred fifty dollars (\$750) per

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degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to injuries occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to injuries occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred fifty dollars (\$2,500) per degree.

(8) With respect to injuries occurring on and after July 1, 2001, **and before July 1, 2002**, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

(9) With respect to injuries occurring on and after July 1, 2002, and before July 1, 2003, for each degree of permanent impairment from one (1) to ten (10), two thousand fifty dollars (\$2,050) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand seven hundred dollars (\$2,700) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three



thousand three hundred dollars (\$3,300) per degree; for each degree of permanent impairment above fifty (50), three thousand nine hundred dollars (\$3,900) per degree.

(10) With respect to injuries occurring on and after July 1, 2003, for each degree of permanent impairment from one (1) to ten (10), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), three thousand seventy-five dollars (\$3,075) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand seven hundred seventy-five dollars (\$3,775) per degree; for each degree of permanent impairment above fifty (50), four thousand five hundred twenty-five dollars (\$4,525) per degree.

(e) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (c) and (d) shall not exceed the following:

(1) With respect to injuries occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to injuries occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to injuries occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).

(4) With respect to injuries occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).

(5) With respect to injuries occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).

(6) With respect to injuries occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).

(7) With respect to injuries occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to injuries occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).

(9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to injuries occurring on or after July 1, 2002, and before July 1, 2003, eight hundred eighty-two dollars (\$882).

(11) With respect to injuries occurring on or after July 1, 2003, nine hundred forty-two dollars (\$942).

SECTION 4. IC 22-3-3-22, AS AMENDED BY P.L.31-2000, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 22. (a) In computing the compensation under this

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1 law with respect to injuries occurring on and after April 1, 1963, and
 2 prior to April 1, 1965, the average weekly wages shall be considered
 3 to be not more than seventy dollars (\$70) nor less than thirty dollars
 4 (\$30). In computing the compensation under this law with respect to
 5 injuries occurring on and after April 1, 1965, and prior to April 1,
 6 1967, the average weekly wages shall be considered to be not more
 7 than seventy-five dollars (\$75) and not less than thirty dollars (\$30). In
 8 computing the compensation under this law with respect to injuries
 9 occurring on and after April 1, 1967, and prior to April 1, 1969, the
 10 average weekly wages shall be considered to be not more than
 11 eighty-five dollars (\$85) and not less than thirty-five dollars (\$35). In
 12 computing the compensation under this law with respect to injuries
 13 occurring on and after April 1, 1969, and prior to July 1, 1971, the
 14 average weekly wages shall be considered to be not more than
 15 ninety-five dollars (\$95) and not less than thirty-five dollars (\$35). In
 16 computing the compensation under this law with respect to injuries
 17 occurring on and after July 1, 1971, and prior to July 1, 1974, the
 18 average weekly wages shall be considered to be: (A) Not more than: (1)
 19 one hundred dollars (\$100) if no dependents; (2) one hundred five
 20 dollars (\$105) if one (1) dependent; (3) one hundred ten dollars (\$110)
 21 if two (2) dependents; (4) one hundred fifteen dollars (\$115) if three
 22 (3) dependents; (5) one hundred twenty dollars (\$120) if four (4)
 23 dependents; and (6) one hundred twenty-five dollars (\$125) if five (5)
 24 or more dependents; and (B) Not less than thirty-five dollars (\$35). In
 25 computing compensation for temporary total disability, temporary
 26 partial disability, and total permanent disability under this law with
 27 respect to injuries occurring on and after July 1, 1974, and before July
 28 1, 1976, the average weekly wages shall be considered to be (A) not
 29 more than one hundred thirty-five dollars (\$135), and (B) not less than
 30 seventy-five dollars (\$75). However, the weekly compensation payable
 31 shall in no case exceed the average weekly wages of the employee at
 32 the time of the injury. In computing compensation for temporary total
 33 disability, temporary partial disability and total permanent disability
 34 under this law with respect to injuries occurring on and after July 1,
 35 1976, and before July 1, 1977, the average weekly wages shall be
 36 considered to be (1) not more than one hundred fifty-six dollars (\$156)
 37 and (2) not less than seventy-five dollars (\$75). However, the weekly
 38 compensation payable shall not exceed the average weekly wages of
 39 the employee at the time of the injury. In computing compensation for
 40 temporary total disability, temporary partial disability, and total
 41 permanent disability, with respect to injuries occurring on and after
 42 July 1, 1977, and before July 1, 1979, the average weekly wages are

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considered to be (1) not more than one hundred eighty dollars (\$180); and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable may not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1979, and before July 1, 1980, the average weekly wages are considered to be (1) not more than one hundred ninety-five dollars (\$195), and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1980, and before July 1, 1983, the average weekly wages are considered to be (1) not more than two hundred ten dollars (\$210), and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1983, and before July 1, 1984, the average weekly wages are considered to be (1) not more than two hundred thirty-four dollars (\$234) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1984, and before July 1, 1985, the average weekly wages are considered to be (1) not more than two hundred forty-nine dollars (\$249) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be (1) not more than two hundred sixty-seven dollars (\$267) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1986, and before July 1, 1988,



1 the average weekly wages are considered to be (1) not more than two
2 hundred eighty-five dollars (\$285) and (2) not less than seventy-five
3 dollars (\$75). However, the weekly compensation payable shall not
4 exceed the average weekly wages of the employee at the time of the
5 injury. In computing compensation for temporary total disability,
6 temporary partial disability, and total permanent disability, with respect
7 to injuries occurring on and after July 1, 1988, and before July 1, 1989,
8 the average weekly wages are considered to be (1) not more than three
9 hundred eighty-four dollars (\$384) and (2) not less than seventy-five
10 dollars (\$75). However, the weekly compensation payable shall not
11 exceed the average weekly wages of the employee at the time of the
12 injury.

13 In computing compensation for temporary total disability, temporary
14 partial disability, and total permanent disability, with respect to injuries
15 occurring on and after July 1, 1989, and before July 1, 1990, the
16 average weekly wages are considered to be (1) not more than four
17 hundred eleven dollars (\$411) and (2) not less than seventy-five dollars
18 (\$75). However, the weekly compensation payable shall not exceed the
19 average weekly wages of the employee at the time of the injury.

20 In computing compensation for temporary total disability, temporary
21 partial disability, and total permanent disability, with respect to injuries
22 occurring on and after July 1, 1990, and before July 1, 1991, the
23 average weekly wages are considered to be (1) not more than four
24 hundred forty-one dollars (\$441) and (2) not less than seventy-five
25 dollars (\$75). However, the weekly compensation payable shall not
26 exceed the average weekly wages of the employee at the time of the
27 injury.

28 In computing compensation for temporary total disability, temporary
29 partial disability, and total permanent disability, with respect to injuries
30 occurring on and after July 1, 1991, and before July 1, 1992, the
31 average weekly wages are considered to be (1) not more than four
32 hundred ninety-two dollars (\$492) and (2) not less than seventy-five
33 dollars (\$75). However, the weekly compensation payable shall not
34 exceed the average weekly wages of the employee at the time of the
35 injury.

36 In computing compensation for temporary total disability, temporary
37 partial disability, and total permanent disability, with respect to injuries
38 occurring on and after July 1, 1992, and before July 1, 1993, the
39 average weekly wages are considered to be (1) not more than five
40 hundred forty dollars (\$540) and (2) not less than seventy-five dollars
41 (\$75). However, the weekly compensation payable shall not exceed the
42 average weekly wages of the employee at the time of the injury.



1 In computing compensation for temporary total disability, temporary
 2 partial disability, and total permanent disability, with respect to injuries
 3 occurring on and after July 1, 1993, and before July 1, 1994, the
 4 average weekly wages are considered to be (1) not more than five
 5 hundred ninety-one dollars (\$591) and (2) not less than seventy-five
 6 dollars (\$75). However, the weekly compensation payable shall not
 7 exceed the average weekly wages of the employee at the time of the
 8 injury.

9 In computing compensation for temporary total disability, temporary
 10 partial disability, and total permanent disability, with respect to injuries
 11 occurring on and after July 1, 1994, and before July 1, 1997, the
 12 average weekly wages are considered to be (1) not more than six
 13 hundred forty-two dollars (\$642) and (2) not less than seventy-five
 14 dollars (\$75). However, the weekly compensation payable shall not
 15 exceed the average weekly wages of the employee at the time of the
 16 injury.

17 (b) In computing compensation for temporary total disability,
 18 temporary partial disability, and total permanent disability, the average
 19 weekly wages are considered to be:

20 (1) with respect to injuries occurring on and after July 1, 1997,
 21 and before July 1, 1998:

22 (A) not more than six hundred seventy-two dollars (\$672); and

23 (B) not less than seventy-five dollars (\$75);

24 (2) with respect to injuries occurring on and after July 1, 1998,
 25 and before July 1, 1999:

26 (A) not more than seven hundred two dollars (\$702); and

27 (B) not less than seventy-five dollars (\$75);

28 (3) with respect to injuries occurring on and after July 1, 1999,
 29 and before July 1, 2000:

30 (A) not more than seven hundred thirty-two dollars (\$732);

31 and

32 (B) not less than seventy-five dollars (\$75);

33 (4) with respect to injuries occurring on and after July 1, 2000,
 34 and before July 1, 2001:

35 (A) not more than seven hundred sixty-two dollars (\$762); and

36 (B) not less than seventy-five dollars (\$75);

37 (5) with respect to injuries occurring on and after July 1, 2001,
 38 and before July 1, 2002:

39 (A) not more than eight hundred twenty-two dollars (\$822);

40 and

41 (B) not less than seventy-five dollars (\$75); ~~and~~

42 (6) with respect to injuries occurring on and after July 1, 2002,

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1 **and before July 1, 2003:**

2 (A) not more than eight hundred eighty-two dollars (\$882);
3 and

4 (B) not less than seventy-five dollars (\$75); **and**

5 **(7) with respect to injuries occurring on and after July 1,**
6 **2003:**

7 (A) not more than nine hundred forty-two dollars (\$942);
8 and

9 **(B) not less than seventy-five dollars (\$75).**

10 However, the weekly compensation payable shall not exceed the
11 average weekly wages of the employee at the time of the injury.

12 (c) For the purpose of this section only and with respect to injuries
13 occurring on and after July 1, 1971, and prior to July 1, 1974, only, the
14 term "dependent" as used in this section shall mean persons defined as
15 presumptive dependents under section 19 of this chapter, except that
16 such dependency shall be determined as of the date of the injury to the
17 employee.

18 (d) With respect to any injury occurring on and after April 1, 1955,
19 and prior to April 1, 1957, the maximum compensation exclusive of
20 medical benefits, which shall be paid for an injury under any provisions
21 of this law or under any combination of its provisions shall not exceed
22 twelve thousand five hundred dollars (\$12,500) in any case. With
23 respect to any injury occurring on and after April 1, 1957 and prior to
24 April 1, 1963, the maximum compensation exclusive of medical
25 benefits, which shall be paid for an injury under any provision of this
26 law or under any combination of its provisions shall not exceed fifteen
27 thousand dollars (\$15,000) in any case. With respect to any injury
28 occurring on and after April 1, 1963, and prior to April 1, 1965, the
29 maximum compensation exclusive of medical benefits, which shall be
30 paid for an injury under any provision of this law or under any
31 combination of its provisions shall not exceed sixteen thousand five
32 hundred dollars (\$16,500) in any case. With respect to any injury
33 occurring on and after April 1, 1965, and prior to April 1, 1967, the
34 maximum compensation exclusive of medical benefits which shall be
35 paid for any injury under any provision of this law or any combination
36 of provisions shall not exceed twenty thousand dollars (\$20,000) in any
37 case. With respect to any injury occurring on and after April 1, 1967,
38 and prior to July 1, 1971, the maximum compensation exclusive of
39 medical benefits which shall be paid for an injury under any provision
40 of this law or any combination of provisions shall not exceed
41 twenty-five thousand dollars (\$25,000) in any case. With respect to any
42 injury occurring on and after July 1, 1971, and prior to July 1, 1974, the

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1 maximum compensation exclusive of medical benefits which shall be
2 paid for any injury under any provision of this law or any combination
3 of provisions shall not exceed thirty thousand dollars (\$30,000) in any
4 case. With respect to any injury occurring on and after July 1, 1974,
5 and before July 1, 1976, the maximum compensation exclusive of
6 medical benefits which shall be paid for an injury under any provision
7 of this law or any combination of provisions shall not exceed forty-five
8 thousand dollars (\$45,000) in any case. With respect to an injury
9 occurring on and after July 1, 1976, and before July 1, 1977, the
10 maximum compensation, exclusive of medical benefits, which shall be
11 paid for any injury under any provision of this law or any combination
12 of provisions shall not exceed fifty-two thousand dollars (\$52,000) in
13 any case. With respect to any injury occurring on and after July 1,
14 1977, and before July 1, 1979, the maximum compensation, exclusive
15 of medical benefits, which may be paid for an injury under any
16 provision of this law or any combination of provisions may not exceed
17 sixty thousand dollars (\$60,000) in any case. With respect to any injury
18 occurring on and after July 1, 1979, and before July 1, 1980, the
19 maximum compensation, exclusive of medical benefits, which may be
20 paid for an injury under any provisions of this law or any combination
21 of provisions may not exceed sixty-five thousand dollars (\$65,000) in
22 any case. With respect to any injury occurring on and after July 1,
23 1980, and before July 1, 1983, the maximum compensation, exclusive
24 of medical benefits, which may be paid for an injury under any
25 provisions of this law or any combination of provisions may not exceed
26 seventy thousand dollars (\$70,000) in any case. With respect to any
27 injury occurring on and after July 1, 1983, and before July 1, 1984, the
28 maximum compensation, exclusive of medical benefits, which may be
29 paid for an injury under any provisions of this law or any combination
30 of provisions may not exceed seventy-eight thousand dollars (\$78,000)
31 in any case. With respect to any injury occurring on and after July 1,
32 1984, and before July 1, 1985, the maximum compensation, exclusive
33 of medical benefits, which may be paid for an injury under any
34 provisions of this law or any combination of provisions may not exceed
35 eighty-three thousand dollars (\$83,000) in any case. With respect to
36 any injury occurring on and after July 1, 1985, and before July 1, 1986,
37 the maximum compensation, exclusive of medical benefits, which may
38 be paid for an injury under any provisions of this law or any
39 combination of provisions may not exceed eighty-nine thousand dollars
40 (\$89,000) in any case. With respect to any injury occurring on and after
41 July 1, 1986, and before July 1, 1988, the maximum compensation,
42 exclusive of medical benefits, which may be paid for an injury under

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any provisions of this law or any combination of provisions may not exceed ninety-five thousand dollars (\$95,000) in any case. With respect to any injury occurring on and after July 1, 1988, and before July 1, 1989, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred twenty-eight thousand dollars (\$128,000) in any case.

With respect to any injury occurring on and after July 1, 1989, and before July 1, 1990, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred thirty-seven thousand dollars (\$137,000) in any case.

With respect to any injury occurring on and after July 1, 1990, and before July 1, 1991, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred forty-seven thousand dollars (\$147,000) in any case.

With respect to any injury occurring on and after July 1, 1991, and before July 1, 1992, the maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred sixty-four thousand dollars (\$164,000) in any case.

With respect to any injury occurring on and after July 1, 1992, and before July 1, 1993, the maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred eighty thousand dollars (\$180,000) in any case.

With respect to any injury occurring on and after July 1, 1993, and before July 1, 1994, the maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred ninety-seven thousand dollars (\$197,000) in any case.

With respect to any injury occurring on and after July 1, 1994, and before July 1, 1997, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed two hundred fourteen thousand dollars (\$214,000) in any case.

(e) The maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provision of this law or any combination of provisions may not exceed the following amounts in any case:

(1) With respect to an injury occurring on and after July 1, 1997,

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and before July 1, 1998, two hundred twenty-four thousand dollars (\$224,000).

(2) With respect to an injury occurring on and after July 1, 1998, and before July 1, 1999, two hundred thirty-four thousand dollars (\$234,000).

(3) With respect to an injury occurring on and after July 1, 1999, and before July 1, 2000, two hundred forty-four thousand dollars (\$244,000).

(4) With respect to an injury occurring on and after July 1, 2000, and before July 1, 2001, two hundred fifty-four thousand dollars (\$254,000).

(5) With respect to an injury occurring on and after July 1, 2001, and before July 1, 2002, two hundred seventy-four thousand dollars (\$274,000).

(6) With respect to an injury occurring on and after July 1, 2002, two hundred ninety-four thousand dollars (\$294,000).

SECTION 5. IC 22-3-3-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 33. (a) If an employee:**

(1) receives an injury that results in a temporary total disability or a temporary partial disability; and

(2) is capable of performing work with permanent limitations or restrictions that prevent the employee from returning to the position the employee held before the employee's injury;

the employee may receive disabled from trade compensation.

(b) An employee may receive disabled from trade compensation for a period not to exceed:

(1) fifty-two (52) consecutive weeks; or

(2) seventy-eight (78) aggregate weeks.

(c) An employee is entitled to receive disabled from trade compensation in a weekly amount equal to the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the employee's average weekly earnings from employment with limitations or restrictions that is entered after the employee's injury, if any.

STEP TWO: Determine the employee's average weekly earnings from employment before the employee's injury.

STEP THREE: Determine the greater of:

(A) the STEP TWO result minus the STEP ONE result; or

(B) zero (0).

STEP FOUR: Determine the lesser of:

(A) the STEP THREE result; or

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1 (B) seven hundred sixty-two dollars (\$762).

2 (d) Not later than sixty (60) days after the employee's release to
3 return to work with restrictions or limitations, the employee must
4 receive notice from the employer on a form provided by the board
5 that informs the employee that the employee has been released to
6 work with limitations or restrictions. The notice must include:

7 (1) an explanation of the limitations or restrictions placed on
8 the employee;

9 (2) the amount of disabled from trade compensation the
10 employee has been awarded; and

11 (3) information for the employee regarding the terms of this
12 section.

13 (e) Disabled from trade compensation is in addition to any other
14 compensation awarded to an employee as a result of a temporary
15 total disability or a permanent partial impairment.

16 (f) An employer may unilaterally convert an award of
17 compensation for a temporary total disability or a temporary
18 partial disability into disabled from trade compensation by filing
19 a copy of the notice required under subsection (d) with the board.

20 SECTION 6. IC 22-3-4-10 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. In all proceedings
22 before the worker's compensation board or in a court under IC 22-3-2
23 through IC 22-3-6, the costs shall be awarded and taxed as provided by
24 law in ordinary civil actions in the circuit court. **Prejudgment interest**
25 **shall be awarded at a rate of ten percent (10%) per year accruing**
26 **from the date of filing of the application of adjustment of claim as**
27 **determined under section 5(a) of this chapter.**

28 SECTION 7. IC 22-3-7-16, AS AMENDED BY P.L.1-2001,
29 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2002]: Sec. 16. (a) Compensation shall be allowed on account
31 of disablement from occupational disease resulting in only temporary
32 total disability to work or temporary partial disability to work
33 beginning with the eighth day of such disability except for the medical
34 benefits provided for in section 17 of this chapter. Compensation shall
35 be allowed for the first seven (7) calendar days only as provided in this
36 section. The first weekly installment of compensation for temporary
37 disability is due fourteen (14) days after the disability begins. Not later
38 than fifteen (15) days from the date that the first installment of
39 compensation is due, the employer or the employer's insurance carrier
40 shall tender to the employee or to the employee's dependents, with all
41 compensation due, a properly prepared compensation agreement in a
42 form prescribed by the board. Whenever an employer or the employer's

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insurance carrier denies or is not able to determine liability to pay compensation or benefits, the employer or the employer's insurance carrier shall notify the worker's compensation board and the employee in writing on a form prescribed by the worker's compensation board not later than thirty (30) days after the employer's knowledge of the claimed disablement. If a determination of liability cannot be made within thirty (30) days, the worker's compensation board may approve an additional thirty (30) days upon a written request of the employer or the employer's insurance carrier that sets forth the reasons that the determination could not be made within thirty (30) days and states the facts or circumstances that are necessary to determine liability within the additional thirty (30) days. More than thirty (30) days of additional time may be approved by the worker's compensation board upon the filing of a petition by the employer or the employer's insurance carrier that sets forth:

- (1) the extraordinary circumstances that have precluded a determination of liability within the initial sixty (60) days;
- (2) the status of the investigation on the date the petition is filed;
- (3) the facts or circumstances that are necessary to make a determination; and
- (4) a timetable for the completion of the remaining investigation.

An employer who fails to comply with this section is subject to a civil penalty of fifty dollars (\$50), to be assessed and collected by the board upon notice and hearing. Civil penalties collected under this section shall be deposited in the state general fund.

(b) Once begun, temporary total disability benefits may not be terminated by the employer unless:

- (1) the employee has returned to work;
- (2) the employee has died;
- (3) the employee has refused to undergo a medical examination under section 20 of this chapter;
- (4) the employee has received five hundred (500) weeks of temporary total disability benefits or has been paid the maximum compensation allowable under section 19 of this chapter; ~~or~~
- (5) the employee is unable or unavailable to work for reasons unrelated to the compensable disease; ~~or~~
- (6) the employee returns to work with limitations or restrictions, and the employer converts temporary total disability or temporary partial disability compensation into disabled from trade compensation under section 16.5 of this chapter.**

In all other cases the employer must notify the employee in writing of

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the employer's intent to terminate the payment of temporary total disability benefits, and of the availability of employment, if any, on a form approved by the board. If the employee disagrees with the proposed termination, the employee must give written notice of disagreement to the board and the employer within seven (7) days after receipt of the notice of intent to terminate benefits. If the board and employer do not receive a notice of disagreement under this section, the employee's temporary total disability benefits shall be terminated. Upon receipt of the notice of disagreement, the board shall immediately contact the parties, which may be by telephone or other means and attempt to resolve the disagreement. If the board is unable to resolve the disagreement within ten (10) days of receipt of the notice of disagreement, the board shall immediately arrange for an evaluation of the employee by an independent medical examiner. The independent medical examiner shall be selected by mutual agreement of the parties or, if the parties are unable to agree, appointed by the board under IC 22-3-4-11. If the independent medical examiner determines that the employee is no longer temporarily disabled or is still temporarily disabled but can return to employment that the employer has made available to the employee, or if the employee fails or refuses to appear for examination by the independent medical examiner, temporary total disability benefits may be terminated. If either party disagrees with the opinion of the independent medical examiner, the party shall apply to the board for a hearing under section 27 of this chapter.

(c) An employer is not required to continue the payment of temporary total disability benefits for more than fourteen (14) days after the employer's proposed termination date unless the independent medical examiner determines that the employee is temporarily disabled and unable to return to any employment that the employer has made available to the employee.

(d) If it is determined that as a result of this section temporary total disability benefits were overpaid, the overpayment shall be deducted from any benefits due the employee under this section and, if there are no benefits due the employee or the benefits due the employee do not equal the amount of the overpayment, the employee shall be responsible for paying any overpayment which cannot be deducted from benefits due the employee.

(e) For disablements occurring on and after April 1, 1951, and prior to July 1, 1971, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during such temporary total disability a weekly compensation equal to sixty percent (60%) of the employee's average weekly wages for a

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1 period not to exceed five hundred (500) weeks. Compensation shall be
2 allowed for the first seven (7) calendar days only if the disability
3 continues for longer than twenty-eight (28) days.

4 For disablements occurring on and after July 1, 1971, and prior to
5 July 1, 1974, from occupational disease resulting in temporary total
6 disability for any work there shall be paid to the disabled employee
7 during such temporary total disability a weekly compensation equal to
8 sixty percent (60%) of the employee's average weekly wages, as
9 defined in section 19 of this chapter, for a period not to exceed five
10 hundred (500) weeks. Compensation shall be allowed for the first seven
11 (7) calendar days only if the disability continues for longer than
12 twenty-eight (28) days.

13 For disablements occurring on and after July 1, 1974, and before
14 July 1, 1976, from occupational disease resulting in temporary total
15 disability for any work there shall be paid to the disabled employee
16 during such temporary total disability a weekly compensation equal to
17 sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the employee's average
18 weekly wages, up to one hundred thirty-five dollars (\$135) average
19 weekly wages, as defined in section 19 of this chapter, for a period not
20 to exceed five hundred (500) weeks. Compensation shall be allowed for
21 the first seven (7) calendar days only if the disability continues for
22 longer than twenty-one (21) days.

23 For disablements occurring on and after July 1, 1976, from
24 occupational disease resulting in temporary total disability for any work
25 there shall be paid to the disabled employee during the temporary total
26 disability weekly compensation equal to sixty-six and two-thirds
27 percent ($66\frac{2}{3}\%$) of the employee's average weekly wages, as defined
28 in section 19 of this chapter, for a period not to exceed five hundred
29 (500) weeks. Compensation shall be allowed for the first seven (7)
30 calendar days only if the disability continues for longer than twenty-one
31 (21) days.

32 (f) For disablements occurring on and after April 1, 1951, and prior
33 to July 1, 1971, from occupational disease resulting in temporary
34 partial disability for work there shall be paid to the disabled employee
35 during such disability a weekly compensation equal to sixty percent
36 (60%) of the difference between the employee's average weekly wages
37 and the weekly wages at which the employee is actually employed after
38 the disablement, for a period not to exceed three hundred (300) weeks.
39 Compensation shall be allowed for the first seven (7) calendar days
40 only if the disability continues for longer than twenty-eight (28) days.
41 In case of partial disability after the period of temporary total disability,
42 the later period shall be included as part of the maximum period



1 allowed for partial disability.

2 For disablements occurring on and after July 1, 1971, and prior to
3 July 1, 1974, from occupational disease resulting in temporary partial
4 disability for work there shall be paid to the disabled employee during
5 such disability a weekly compensation equal to sixty percent (60%) of
6 the difference between the employee's average weekly wages, as
7 defined in section 19 of this chapter, and the weekly wages at which the
8 employee is actually employed after the disablement, for a period not
9 to exceed three hundred (300) weeks. Compensation shall be allowed
10 for the first seven (7) calendar days only if the disability continues for
11 longer than twenty-eight (28) days. In case of partial disability after the
12 period of temporary total disability, the latter period shall be included
13 as a part of the maximum period allowed for partial disability.

14 For disablements occurring on and after July 1, 1974, from
15 occupational disease resulting in temporary partial disability for work
16 there shall be paid to the disabled employee during such disability a
17 weekly compensation equal to sixty-six and two-thirds percent (66
18 2/3%) of the difference between the employee's average weekly wages,
19 as defined in section 19 of this chapter, and the weekly wages at which
20 ~~he~~ **the employee** is actually employed after the disablement, for a
21 period not to exceed three hundred (300) weeks. Compensation shall
22 be allowed for the first seven (7) calendar days only if the disability
23 continues for longer than twenty-one (21) days. In case of partial
24 disability after the period of temporary total disability, the latter period
25 shall be included as a part of the maximum period allowed for partial
26 disability.

27 (g) For disabilities occurring on and after April 1, 1951, and prior
28 to April 1, 1955, from occupational disease in the following schedule,
29 the employee shall receive in lieu of all other compensation, on account
30 of such disabilities, a weekly compensation of sixty percent (60%) of
31 the employee's average weekly wage; for disabilities occurring on and
32 after April 1, 1955, and prior to July 1, 1971, from occupational disease
33 in the following schedule, the employee shall receive in addition to
34 disability benefits not exceeding twenty-six (26) weeks on account of
35 said occupational disease a weekly compensation of sixty percent
36 (60%) of the employee's average weekly wages.

37 For disabilities occurring on and after July 1, 1971, and before July
38 1, 1977, from occupational disease in the following schedule, the
39 employee shall receive in addition to disability benefits not exceeding
40 twenty-six (26) weeks on account of said occupational disease a weekly
41 compensation of sixty percent (60%) of ~~his~~ **the employee's** average
42 weekly wages not to exceed one hundred dollars (\$100) average weekly

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wages, for the period stated for such disabilities respectively.

For disabilities occurring on and after July 1, 1977, and before July 1, 1979, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of the occupational disease a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the disabilities.

For disabilities occurring on and after July 1, 1979, and before July 1, 1988, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits, not exceeding fifty-two (52) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the disabilities.

For disabilities occurring on and after July 1, 1988, and before July 1, 1989, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the disabilities.

For disabilities occurring on and after July 1, 1989, and before July 1, 1990, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the disabilities.

For disabilities occurring on and after July 1, 1990, and before July 1, 1991, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the disabilities.

(1) Amputations: For the loss by separation, of the thumb, sixty (60) weeks; of the index finger, forty (40) weeks; of the second finger, thirty-five (35) weeks; of the third or ring finger, thirty (30) weeks; of the fourth or little finger, twenty (20) weeks; of the hand by separation below the elbow, two hundred (200) weeks; of the arm above the elbow joint, two hundred fifty (250) weeks; of

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the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks; of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15) weeks; of the fifth or little toe, ten (10) weeks; of the foot below the knee joint, one hundred fifty (150) weeks; and of the leg above the knee joint, two hundred (200) weeks. The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than two (2) phalanges of a finger shall be considered as the loss of one-half (1/2) the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) Loss of Use: The total permanent loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange and the compensation shall be paid for the same period as for the loss thereof by separation.

(3) Partial Loss of Use: For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(4) For disablements for occupational disease resulting in total permanent disability, five hundred (500) weeks.

(5) For the loss of both hands, or both feet, or the total sight of both eyes, or any two (2) of such losses resulting from the same disablement by occupational disease, five hundred (500) weeks.

(6) For the permanent and complete loss of vision by enucleation of an eye or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred fifty (150) weeks, and for any other permanent reduction of the sight of an eye, compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses plus an additional amount equal to the proportionate amount of such reduction with glasses, not to

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1 exceed an additional fifty percent (50%).

2 (7) For the permanent and complete loss of hearing, two hundred
3 (200) weeks.

4 (8) In all other cases of permanent partial impairment,
5 compensation proportionate to the degree of such permanent
6 partial impairment, in the discretion of the worker's compensation
7 board, not exceeding five hundred (500) weeks.

8 (9) In all cases of permanent disfigurement, which may impair the
9 future usefulness or opportunities of the employee, compensation
10 in the discretion of the worker's compensation board, not
11 exceeding two hundred (200) weeks, except that no compensation
12 shall be payable under this paragraph where compensation shall
13 be payable under subdivisions (1) through (8). Where
14 compensation for temporary total disability has been paid, this
15 amount of compensation shall be deducted from any
16 compensation due for permanent disfigurement.

17 With respect to disablements in the following schedule occurring on
18 and after July 1, 1991, the employee shall receive in addition to
19 temporary total disability benefits, not exceeding one hundred
20 twenty-five (125) weeks on account of the disablement, compensation
21 in an amount determined under the following schedule to be paid
22 weekly at a rate of sixty-six and two-thirds percent (66 2/3%) of the
23 employee's average weekly wages during the fifty-two (52) weeks
24 immediately preceding the week in which the disablement occurred:

25 (1) Amputation: For the loss by separation of the thumb, twelve
26 (12) degrees of permanent impairment; of the index finger, eight
27 (8) degrees of permanent impairment; of the second finger, seven
28 (7) degrees of permanent impairment; of the third or ring finger,
29 six (6) degrees of permanent impairment; of the fourth or little
30 finger, four (4) degrees of permanent impairment; of the hand by
31 separation below the elbow joint, forty (40) degrees of permanent
32 impairment; of the arm above the elbow, fifty (50) degrees of
33 permanent impairment; of the big toe, twelve (12) degrees of
34 permanent impairment; of the second toe, six (6) degrees of
35 permanent impairment; of the third toe, four (4) degrees of
36 permanent impairment; of the fourth toe, three (3) degrees of
37 permanent impairment; of the fifth or little toe, two (2) degrees of
38 permanent impairment; of separation of the foot below the knee
39 joint, thirty-five (35) degrees of permanent impairment; and of the
40 leg above the knee joint, forty-five (45) degrees of permanent
41 impairment.

42 (2) Amputations occurring on or after July 1, 1997: For the loss

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by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, the dollar values per degree applying on the date of the injury as described in subsection (h) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(6) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(7) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(8) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(9) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a

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phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(10) For disablements resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(11) For any permanent reduction of the sight of an eye less than a total loss as specified in subdivision (5), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(12) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subdivision (6), compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

(13) In all other cases of permanent partial impairment, compensation proportionate to the degree of a permanent partial impairment, in the discretion of the worker's compensation board, not exceeding one hundred (100) degrees of permanent impairment.

(14) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(h) With respect to disablements occurring on and after July 1, 1991, compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the disablement determined under subsection (d) and the following:

(1) With respect to disablements occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars (\$500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars (\$900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars (\$1,500) per degree.



(2) With respect to disablements occurring on and after July 1, 1992, and before July 1, 1993, for each degree of permanent impairment from one (1) to twenty (20), five hundred dollars (\$500) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), eight hundred dollars (\$800) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(3) With respect to disablements occurring on and after July 1, 1993, and before July 1, 1997, for each degree of permanent impairment from one (1) to ten (10), five hundred dollars (\$500) per degree; for each degree of permanent impairment from eleven (11) to twenty (20), seven hundred dollars (\$700) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(4) With respect to disablements occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to disablements occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to disablements occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900)

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per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to disablements occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred fifty dollars (\$2,500) per degree.

(8) With respect to disablements occurring on and after July 1, 2001, **and before July 1, 2002**, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

(9) With respect to disablements occurring on and after July 1, 2002, and before July 1, 2003, for each degree of permanent impairment from one (1) to ten (10), two thousand fifty dollars (\$2,050) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand seven hundred dollars (\$2,700) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand three hundred dollars (\$3,300) per degree; for each degree of permanent impairment above fifty (50), three thousand nine hundred dollars (\$3,900) per degree.

(10) With respect to disablements occurring on and after July 1, 2003, for each degree of permanent impairment from one (1) to ten (10), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), three thousand seventy-five dollars (\$3,075) per degree; for each degree of permanent

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1 **impairment from thirty-six (36) to fifty (50), three thousand**
 2 **seven hundred seventy-five dollars (\$3,775) per degree; for**
 3 **each degree of permanent impairment above fifty (50), four**
 4 **thousand five hundred twenty-five dollars (\$4,525) per degree.**

5 (i) The average weekly wages used in the determination of
 6 compensation for permanent partial impairment under subsections (g)
 7 and (h) shall not exceed the following:

8 (1) With respect to disablements occurring on or after July 1,
 9 1991, and before July 1, 1992, four hundred ninety-two dollars
 10 (\$492).

11 (2) With respect to disablements occurring on or after July 1,
 12 1992, and before July 1, 1993, five hundred forty dollars (\$540).

13 (3) With respect to disablements occurring on or after July 1,
 14 1993, and before July 1, 1994, five hundred ninety-one dollars
 15 (\$591).

16 (4) With respect to disablements occurring on or after July 1,
 17 1994, and before July 1, 1997, six hundred forty-two dollars
 18 (\$642).

19 (5) With respect to disablements occurring on or after July 1,
 20 1997, and before July 1, 1998, six hundred seventy-two dollars
 21 (\$672).

22 (6) With respect to disablements occurring on or after July 1,
 23 1998, and before July 1, 1999, seven hundred two dollars (\$702).

24 (7) With respect to disablements occurring on or after July 1,
 25 1999, and before July 1, 2000, seven hundred thirty-two dollars
 26 (\$732).

27 (8) With respect to disablements occurring on or after July 1,
 28 2000, and before July 1, 2001, seven hundred sixty-two dollars
 29 (\$762).

30 (9) With respect to ~~injuries~~ **disablements** occurring on or after
 31 July 1, 2001, and before July 1, 2002, eight hundred twenty-two
 32 dollars (\$822).

33 (10) With respect to ~~injuries~~ **disablements** occurring on or after
 34 July 1, 2002, **and before July 1, 2003**, eight hundred eighty-two
 35 dollars (\$882).

36 **(11) With respect to disablements occurring on or after July**
 37 **1, 2003, nine hundred forty-two dollars (\$942).**

38 (j) If any employee, only partially disabled, refuses employment
 39 suitable to ~~his~~ **the employee's** capacity ~~procured for him; he the~~
 40 **employee** shall not be entitled to any compensation at any time during
 41 the continuance of such refusal unless, in the opinion of the worker's
 42 compensation board, such refusal was justifiable. The employee must

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1 be served with a notice setting forth the consequences of the refusal
 2 under this subsection. The notice must be in a form prescribed by the
 3 worker's compensation board.

4 (k) If an employee has sustained a permanent impairment or
 5 disability from an accidental injury other than an occupational disease
 6 in another employment than that in which ~~he~~ **the employee** suffered a
 7 subsequent disability from an occupational disease, such as herein
 8 specified, the employee shall be entitled to compensation for the
 9 subsequent disability in the same amount as if the previous impairment
 10 or disability had not occurred. However, if the permanent impairment
 11 or disability resulting from an occupational disease for which
 12 compensation is claimed results only in the aggravation or increase of
 13 a previously sustained permanent impairment from an occupational
 14 disease or physical condition regardless of the source or cause of such
 15 previously sustained impairment from an occupational disease or
 16 physical condition, the board shall determine the extent of the
 17 previously sustained permanent impairment from an occupational
 18 disease or physical condition as well as the extent of the aggravation or
 19 increase resulting from the subsequent permanent impairment or
 20 disability, and shall award compensation only for that part of said
 21 occupational disease or physical condition resulting from the
 22 subsequent permanent impairment. An amputation of any part of the
 23 body or loss of any or all of the vision of one (1) or both eyes caused by
 24 an occupational disease shall be considered as a permanent impairment
 25 or physical condition.

26 (l) If an employee suffers a disablement from occupational disease
 27 for which compensation is payable while the employee is still receiving
 28 or entitled to compensation for a previous injury by accident or
 29 disability by occupational disease in the same employment, ~~he~~ **the**
 30 **employee** shall not at the same time be entitled to compensation for
 31 both, unless it be for a permanent injury, such as specified in
 32 subsection (g)(1), (g)(4), (g)(5), (g)(8), or (g)(9); but the employee
 33 shall be entitled to compensation for that disability and from the time
 34 of that disability which will cover the longest period and the largest
 35 amount payable under this chapter.

36 (m) If an employee receives a permanent disability from
 37 occupational disease such as specified in subsection (g)(1), (g)(4),
 38 (g)(5), (g)(8), or (g)(9) after having sustained another such permanent
 39 disability in the same employment the employee shall be entitled to
 40 compensation for both such disabilities, but the total compensation
 41 shall be paid by extending the period and not by increasing the amount
 42 of weekly compensation and, when such previous and subsequent

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1 permanent disabilities, in combination result in total permanent
2 disability or permanent total impairment, compensation shall be
3 payable for such permanent total disability or impairment, but
4 payments made for the previous disability or impairment shall be
5 deducted from the total payment of compensation due.

6 (n) When an employee has been awarded or is entitled to an award
7 of compensation for a definite period under this chapter for disability
8 from occupational disease, which disablement occurs on and after April
9 1, 1951, and prior to April 1, 1963, and such employee dies from any
10 other cause than such occupational disease, payment of the unpaid
11 balance of such compensation, not exceeding three hundred (300)
12 weeks, shall be made to the employee's dependents of the second and
13 third class as defined in sections 11 through 14 of this chapter, and
14 compensation, not exceeding five hundred (500) weeks, shall be made
15 to the employee's dependents of the first class as defined in sections 11
16 through 14 of this chapter. When an employee has been awarded or is
17 entitled to an award of compensation for a definite period from an
18 occupational disease wherein disablement occurs on and after April 1,
19 1963, and such employee dies from other causes than such
20 occupational disease, payment of the unpaid balance of such
21 compensation not exceeding three hundred fifty (350) weeks shall be
22 paid to the employee's dependents of the second and third class as
23 defined in sections 11 through 14 of this chapter and compensation, not
24 exceeding five hundred (500) weeks shall be made to the employee's
25 dependents of the first class as defined in sections 11 through 14 of this
26 chapter.

27 (o) Any payment made by the employer to the employee during the
28 period of the employee's disability, or to the employee's dependents,
29 which, by the terms of this chapter, was not due and payable when
30 made, may, subject to the approval of the worker's compensation board,
31 be deducted from the amount to be paid as compensation, but such
32 deduction shall be made from the distal end of the period during which
33 compensation must be paid, except in cases of temporary disability.

34 (p) When so provided in the compensation agreement or in the
35 award of the worker's compensation board, compensation may be paid
36 semimonthly, or monthly, instead of weekly.

37 (q) When the aggregate payments of compensation awarded by
38 agreement or upon hearing to an employee or dependent under eighteen
39 (18) years of age do not exceed one hundred dollars (\$100), the
40 payment thereof may be made directly to such employee or dependent,
41 except when the worker's compensation board shall order otherwise.

42 Whenever the aggregate payments of compensation, due to any

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1 person under eighteen (18) years of age, exceed one hundred dollars
 2 (\$100), the payment thereof shall be made to a trustee, appointed by the
 3 circuit or superior court, or to a duly qualified guardian, or, upon the
 4 order of the worker's compensation board, to a parent or to such minor
 5 person. The payment of compensation, due to any person eighteen (18)
 6 years of age or over, may be made directly to such person.

7 (r) If an employee, or a dependent, is mentally incompetent, or a
 8 minor at the time when any right or privilege accrues to the employee
 9 under this chapter, the employee's guardian or trustee may, in the
 10 employee's behalf, claim and exercise such right and privilege.

11 (s) All compensation payments named and provided for in this
 12 section, shall mean and be defined to be for only such occupational
 13 diseases and disabilities therefrom as are proved by competent
 14 evidence, of which there are or have been objective conditions or
 15 symptoms proven, not within the physical or mental control of the
 16 employee himself.

17 SECTION 8. IC 22-3-7-16.1 IS ADDED TO THE INDIANA CODE
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2002]: **Sec. 16.1. (a) As used in this section, "board" refers to the**
 20 **worker's compensation board created by IC 22-3-1-1.**

21 **(b) If an employee who from an occupational disease becomes**
 22 **permanently and totally impaired by reason of the loss, or loss of**
 23 **use of, another such member or eye, the employer is liable only for**
 24 **the compensation payable for the second injury. However, in**
 25 **addition to that compensation and after the completion of the**
 26 **payment for that compensation, the employee shall be paid the**
 27 **remainder of the compensation that would be due for the total**
 28 **permanent impairment out of a special fund known as the**
 29 **occupational disease second injury fund.**

30 **(c) Whenever the board determines under the procedures set**
 31 **forth in subsection (d) that an assessment is necessary to ensure**
 32 **that fund beneficiaries continue to receive compensation in a timely**
 33 **manner for a reasonable prospective period, the board shall send**
 34 **notice not later than October 1 in any year to:**

35 **(1) all insurance carriers and other entities insuring or**
 36 **providing coverage to employers who are or may be liable**
 37 **under this article to pay compensation for personal injuries to**
 38 **or for the death of one (1) of their employees from an**
 39 **occupational disease; and**

40 **(2) each employer carrying the employer's own risk for**
 41 **personal injuries to or the death of one (1) of their employees**
 42 **from an occupational disease;**



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1 stating that an assessment is necessary. The board may conduct an
 2 assessment under this subsection not more than one (1) time
 3 annually. Every insurance carrier insuring employers who are or
 4 may be liable under this article to pay compensation for
 5 disablement or death from occupational diseases of their employees
 6 under this article and every employer carrying the employer's own
 7 risk shall, not later than thirty (30) days after receiving notice from
 8 the board, pay to the worker's compensation board for the benefit
 9 of a fund to be known as the occupational disease second injury
 10 fund. The payment shall be in a sum equal to one and one-half
 11 percent (1.5%) of the total amount of all payments under this
 12 chapter for occupational diseases paid to employees with
 13 occupational diseases or their beneficiaries under this chapter for
 14 the calendar year next preceding the due date of the payment. If
 15 the amount to the credit of the occupational diseases second injury
 16 fund as of October 1 of any year exceeds one million dollars
 17 (\$1,000,000), the payments of one and one-half percent (1.5%) shall
 18 not be assessed or collected during the ensuing year. However, if on
 19 October 1 of any year the amount to the credit of the fund is less
 20 than one million dollars (\$1,000,000), the payments of one and
 21 one-half percent (1.5%) of the total amount of all payments under
 22 this chapter for occupational diseases paid to employees with
 23 occupational diseases or their beneficiaries under this chapter for
 24 the calendar year next preceding that date shall be resumed and
 25 paid into the fund.

26 (d) The board shall enter into a contract with an actuary or
 27 another qualified firm that has experience in calculating worker's
 28 compensation liabilities. Not later than September 1 of each year,
 29 the actuary or other qualified firm shall calculate the
 30 recommended funding level of the fund based on the previous
 31 year's claims and inform the board of the results of the calculation.
 32 If the amount to the credit of the fund is less than the amount
 33 required under subsection (c), the board may conduct an
 34 assessment under subsection (c). The board shall pay the costs of
 35 the contract under this subsection with money in the fund.

36 (e) An assessment collected under subsection (c) on an employer
 37 who is not self-insured must be assessed through a surcharge based
 38 on the employer's premium. An assessment collected under
 39 subsection (c) does not constitute an element of loss, but for the
 40 purpose of collection shall be treated as a separate cost imposed
 41 upon insured employers. A premium surcharge under this
 42 subsection must be collected at the same time and in the same



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manner in which the premium for coverage is collected, and must be shown as a separate amount on a premium statement. A premium surcharge under this subsection must be excluded from the definition of premium for all purposes, including the computation of agent commissions or premium taxes. However, an insurer may cancel a worker's compensation policy for nonpayment of the premium surcharge. A cancellation under this subsection must be carried out under the statutes applicable to the nonpayment of premiums.

(f) The sums under this section shall be paid by the worker's compensation board to the treasurer of state, to be deposited in a special account known as the occupational diseases second injury fund. The fund is not part of the state general fund. Any balance remaining in the account at the end of any fiscal year does not revert to the state general fund. The fund shall be used only for the payment of awards of compensation and expense of medical examinations or treatment made and ordered by the board and chargeable against the occupational diseases second injury fund under this section and shall be paid for that purpose by the treasurer of state upon award or order of the board.

(g) If an employee who is entitled to compensation under this chapter either:

- (1) exhausts the maximum benefits under section 19 of this chapter without having received the full amount of award granted to the employee under section 16 of this chapter; or
- (2) exhausts the employee's benefits under section 16 of this chapter;

the employee may apply to the worker's compensation board, which may award the employee compensation from the occupational diseases second injury fund established by this section, as provided under subsection (b).

(h) An employee who has exhausted the employee's maximum benefits under section 10 of this chapter may be awarded additional compensation equal to sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wage at the time of the employee's disablement from occupational disease, not to exceed the maximum then applicable under section 19 of this chapter for a period not to exceed one hundred fifty (150) weeks upon competent evidence sufficient to establish:

- (1) that the employee is totally and permanently disabled from an occupational disease of which there are or have been objective conditions and symptoms proven that are not within



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the physical or mental control of the employee; and
 (2) that the employee is unable to support the employee in any
 gainful employment, not associated with rehabilitative or
 vocational therapy.

(i) The additional award may be renewed during the employee's
 total and permanent disability after appropriate hearings by the
 worker's compensation board for successive periods not to exceed
 one hundred fifty (150) weeks each.

SECTION 9. IC 22-3-7-16.5 IS ADDED TO THE INDIANA CODE
 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 1, 2002]: Sec. 16.5. (a) If an employee:

- (1) suffers an occupational disease that results in a temporary
 total disability or a temporary partial disability; and
- (2) is capable of performing work with permanent limitations
 or restrictions that prevent the employee from returning to
 the position the employee held before the employee's
 occupational disease;

the employee may receive disabled from trade compensation.

(b) An employee may receive disabled from trade compensation
 for a period not to exceed:

- (1) fifty-two (52) consecutive weeks; or
- (2) seventy-eight (78) aggregate weeks.

(c) An employee is entitled to receive disabled from trade
 compensation in a weekly amount equal to the amount determined
 under STEP FOUR of the following formula:

STEP ONE: Determine the employee's average weekly
 earnings from employment with limitations or restrictions
 that is entered after the employee's occupational disease, if
 any.

STEP TWO: Determine the employee's average weekly
 earnings from employment before the employee's
 occupational disease.

STEP THREE: Determine the greater of:

- (A) the STEP TWO result minus the STEP ONE result; or
- (B) zero (0).

STEP FOUR: Determine the lesser of:

- (A) the STEP THREE result; or
- (B) seven hundred sixty-two dollars (\$762).

(d) Not later than sixty (60) days after the employee's release to
 return to work with restrictions or limitations, the employee must
 receive notice from the employer on a form provided by the board
 that informs the employee that the employee has been released to

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work with limitations or restrictions. The notice must include:

- (1) an explanation of the limitations or restrictions placed on the employee;
- (2) the amount of disabled from trade compensation the employee has been awarded; and
- (3) information for the employee regarding the terms of this section.

(e) Disabled from trade compensation is in addition to any other compensation awarded to an employee as a result of a temporary total disability or a permanent partial impairment.

(f) An employer may unilaterally convert an award of compensation for a temporary total disability or a temporary partial disability into disabled from trade compensation by filing a copy of the notice required under subsection (d) with the board.

SECTION 10. IC 22-3-7-19, AS AMENDED BY P.L.31-2000, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 19. (a) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability under this law with respect to occupational diseases occurring:

- (1) on and after July 1, 1974, and before July 1, 1976, the average weekly wages shall be considered to be:
 - (A) not more than one hundred thirty-five dollars (\$135); and
 - (B) not less than seventy-five dollars (\$75);
- (2) on and after July 1, 1976, and before July 1, 1977, the average weekly wages shall be considered to be:
 - (A) not more than one hundred fifty-six dollars (\$156); and
 - (B) not less than seventy-five dollars (\$75);
- (3) on and after July 1, 1977, and before July 1, 1979, the average weekly wages are considered to be:
 - (A) not more than one hundred eighty dollars (\$180); and
 - (B) not less than seventy-five dollars (\$75);
- (4) on and after July 1, 1979, and before July 1, 1980, the average weekly wages are considered to be:
 - (A) not more than one hundred ninety-five dollars (\$195); and
 - (B) not less than seventy-five dollars (\$75);
- (5) on and after July 1, 1980, and before July 1, 1983, the average weekly wages are considered to be:
 - (A) not more than two hundred ten dollars (\$210); and
 - (B) not less than seventy-five dollars (\$75);
- (6) on and after July 1, 1983, and before July 1, 1984, the average weekly wages are considered to be:



- 1 (A) not more than two hundred thirty-four dollars (\$234); and
 2 (B) not less than seventy-five dollars (\$75); and
 3 (7) on and after July 1, 1984, and before July 1, 1985, the average
 4 weekly wages are considered to be:
 5 (A) not more than two hundred forty-nine dollars (\$249); and
 6 (B) not less than seventy-five dollars (\$75).
 7 (b) In computing compensation for temporary total disability,
 8 temporary partial disability, and total permanent disability, with respect
 9 to occupational diseases occurring on and after July 1, 1985, and before
 10 July 1, 1986, the average weekly wages are considered to be:
 11 (1) not more than two hundred sixty-seven dollars (\$267); and
 12 (2) not less than seventy-five dollars (\$75).
 13 (c) In computing compensation for temporary total disability,
 14 temporary partial disability, and total permanent disability, with respect
 15 to occupational diseases occurring on and after July 1, 1986, and before
 16 July 1, 1988, the average weekly wages are considered to be:
 17 (1) not more than two hundred eighty-five dollars (\$285); and
 18 (2) not less than seventy-five dollars (\$75).
 19 (d) In computing compensation for temporary total disability,
 20 temporary partial disability, and total permanent disability, with respect
 21 to occupational diseases occurring on and after July 1, 1988, and before
 22 July 1, 1989, the average weekly wages are considered to be:
 23 (1) not more than three hundred eighty-four dollars (\$384); and
 24 (2) not less than seventy-five dollars (\$75).
 25 (e) In computing compensation for temporary total disability,
 26 temporary partial disability, and total permanent disability, with respect
 27 to occupational diseases occurring on and after July 1, 1989, and before
 28 July 1, 1990, the average weekly wages are considered to be:
 29 (1) not more than four hundred eleven dollars (\$411); and
 30 (2) not less than seventy-five dollars (\$75).
 31 (f) In computing compensation for temporary total disability,
 32 temporary partial disability, and total permanent disability, with respect
 33 to occupational diseases occurring on and after July 1, 1990, and before
 34 July 1, 1991, the average weekly wages are considered to be:
 35 (1) not more than four hundred forty-one dollars (\$441); and
 36 (2) not less than seventy-five dollars (\$75).
 37 (g) In computing compensation for temporary total disability,
 38 temporary partial disability, and total permanent disability, with respect
 39 to occupational diseases occurring on and after July 1, 1991, and before
 40 July 1, 1992, the average weekly wages are considered to be:
 41 (1) not more than four hundred ninety-two dollars (\$492); and
 42 (2) not less than seventy-five dollars (\$75).

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(h) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be:

- (1) not more than five hundred forty dollars (\$540); and
- (2) not less than seventy-five dollars (\$75).

(i) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be:

- (1) not more than five hundred ninety-one dollars (\$591); and
- (2) not less than seventy-five dollars (\$75).

(j) In computing compensation for temporary total disability, temporary partial disability and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be:

- (1) not more than six hundred forty-two dollars (\$642); and
- (2) not less than seventy-five dollars (\$75).

(k) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

- (1) with respect to occupational diseases occurring on and after July 1, 1997, and before July 1, 1998:

- (A) not more than six hundred seventy-two dollars (\$672); and
- (B) not less than seventy-five dollars (\$75);

- (2) with respect to occupational diseases occurring on and after July 1, 1998, and before July 1, 1999:

- (A) not more than seven hundred two dollars (\$702); and
- (B) not less than seventy-five dollars (\$75);

- (3) with respect to occupational diseases occurring on and after July 1, 1999, and before July 1, 2000:

- (A) not more than seven hundred thirty-two dollars (\$732);
- and

- (B) not less than seventy-five dollars (\$75);

- (4) with respect to occupational diseases occurring on and after July 1, 2000, and before July 1, 2001:

- (A) not more than seven hundred sixty-two dollars (\$762); and
- (B) not less than seventy-five dollars (\$75);

- (5) with respect to ~~disabilities~~ **occupational diseases** occurring on and after July 1, 2001, and before July 1, 2002:

- (A) not more than eight hundred twenty-two dollars (\$822);
- and



(B) not less than seventy-five dollars (\$75); ~~and~~
 (6) with respect to ~~disabilities~~ **occupational diseases** occurring
 on and after July 1, 2002, **and before July 1, 2003:**

(A) not more than eight hundred eighty-two dollars (\$882);
 and

(B) not less than seventy-five dollars (\$75); **and**
(7) with respect to occupational diseases occurring on and
after July 1, 2003:

(A) not more than nine hundred forty-two dollars (\$942);
and

(B) not less than seventy-five dollars (\$75).

(l) The maximum compensation that shall be paid for occupational
 disease and its results under any one (1) or more provisions of this
 chapter with respect to disability or death occurring:

(1) on and after July 1, 1974, and before July 1, 1976, shall not
 exceed forty-five thousand dollars (\$45,000) in any case;

(2) on and after July 1, 1976, and before July 1, 1977, shall not
 exceed fifty-two thousand dollars (\$52,000) in any case;

(3) on and after July 1, 1977, and before July 1, 1979, may not
 exceed sixty thousand dollars (\$60,000) in any case;

(4) on and after July 1, 1979, and before July 1, 1980, may not
 exceed sixty-five thousand dollars (\$65,000) in any case;

(5) on and after July 1, 1980, and before July 1, 1983, may not
 exceed seventy thousand dollars (\$70,000) in any case;

(6) on and after July 1, 1983, and before July 1, 1984, may not
 exceed seventy-eight thousand dollars (\$78,000) in any case; and

(7) on and after July 1, 1984, and before July 1, 1985, may not
 exceed eighty-three thousand dollars (\$83,000) in any case.

(m) The maximum compensation with respect to disability or death
 occurring on and after July 1, 1985, and before July 1, 1986, which
 shall be paid for occupational disease and the results thereof under the
 provisions of this chapter or under any combination of its provisions
 may not exceed eighty-nine thousand dollars (\$89,000) in any case.

The maximum compensation with respect to disability or death
 occurring on and after July 1, 1986, and before July 1, 1988, which
 shall be paid for occupational disease and the results thereof under the
 provisions of this chapter or under any combination of its provisions
 may not exceed ninety-five thousand dollars (\$95,000) in any case. The
 maximum compensation with respect to disability or death occurring
 on and after July 1, 1988, and before July 1, 1989, that shall be paid for
 occupational disease and the results thereof under this chapter or under
 any combination of its provisions may not exceed one hundred



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1 twenty-eight thousand dollars (\$128,000) in any case.

2 (n) The maximum compensation with respect to disability or death
3 occurring on and after July 1, 1989, and before July 1, 1990, that shall
4 be paid for occupational disease and the results thereof under this
5 chapter or under any combination of its provisions may not exceed one
6 hundred thirty-seven thousand dollars (\$137,000) in any case.

7 (o) The maximum compensation with respect to disability or death
8 occurring on and after July 1, 1990, and before July 1, 1991, that shall
9 be paid for occupational disease and the results thereof under this
10 chapter or under any combination of its provisions may not exceed one
11 hundred forty-seven thousand dollars (\$147,000) in any case.

12 (p) The maximum compensation with respect to disability or death
13 occurring on and after July 1, 1991, and before July 1, 1992, that shall
14 be paid for occupational disease and the results thereof under this
15 chapter or under any combination of the provisions of this chapter may
16 not exceed one hundred sixty-four thousand dollars (\$164,000) in any
17 case.

18 (q) The maximum compensation with respect to disability or death
19 occurring on and after July 1, 1992, and before July 1, 1993, that shall
20 be paid for occupational disease and the results thereof under this
21 chapter or under any combination of the provisions of this chapter may
22 not exceed one hundred eighty thousand dollars (\$180,000) in any case.

23 (r) The maximum compensation with respect to disability or death
24 occurring on and after July 1, 1993, and before July 1, 1994, that shall
25 be paid for occupational disease and the results thereof under this
26 chapter or under any combination of the provisions of this chapter may
27 not exceed one hundred ninety-seven thousand dollars (\$197,000) in
28 any case.

29 (s) The maximum compensation with respect to disability or death
30 occurring on and after July 1, 1994, and before July 1, 1997, that shall
31 be paid for occupational disease and the results thereof under this
32 chapter or under any combination of the provisions of this chapter may
33 not exceed two hundred fourteen thousand dollars (\$214,000) in any
34 case.

35 (t) The maximum compensation that shall be paid for occupational
36 disease and the results of an occupational disease under this chapter or
37 under any combination of the provisions of this chapter may not exceed
38 the following amounts in any case:

39 (1) With respect to disability or death occurring on and after July
40 1, 1997, and before July 1, 1998, two hundred twenty-four
41 thousand dollars (\$224,000).

42 (2) With respect to disability or death occurring on and after July

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1 1, 1998, and before July 1, 1999, two hundred thirty-four
2 thousand dollars (\$234,000).

3 (3) With respect to disability or death occurring on and after July
4 1, 1999, and before July 1, 2000, two hundred forty-four thousand
5 dollars (\$244,000).

6 (4) With respect to disability or death occurring on and after July
7 1, 2000, and before July 1, 2001, two hundred fifty-four thousand
8 dollars (\$254,000).

9 (5) With respect to disability or death occurring on and after July
10 1, 2001, and before July 1, 2002, two hundred seventy-four
11 thousand dollars (\$274,000).

12 (6) With respect to disability or death occurring on and after July
13 1, 2002, two hundred ninety-four thousand dollars (\$294,000).

14 (u) For all disabilities occurring before July 1, 1985, "average
15 weekly wages" shall mean the earnings of the injured employee in the
16 employment in which the employee was working at the time of the last
17 exposure during the period of fifty-two (52) weeks immediately
18 preceding the last day of the last exposure divided by fifty-two (52). If
19 the employee lost seven (7) or more calendar days during the period,
20 although not in the same week, then the earnings for the remainder of
21 the fifty-two (52) weeks shall be divided by the number of weeks and
22 parts thereof remaining after the time lost has been deducted. Where
23 the employment prior to the last day of the last exposure extended over
24 a period of less than fifty-two (52) weeks, the method of dividing the
25 earnings during that period by the number of weeks and parts thereof
26 during which the employee earned wages shall be followed if results
27 just and fair to both parties will be obtained. Where by reason of the
28 shortness of the time during which the employee has been in the
29 employment of the employer or of the casual nature or terms of the
30 employment it is impracticable to compute the average weekly wages
31 as above defined, regard shall be had to the average weekly amount
32 which, during the fifty-two (52) weeks previous to the last day of the
33 last exposure, was being earned by a person in the same grade
34 employed at the same work by the same employer, or if there is no
35 person so employed, by a person in the same grade employed in that
36 same class of employment in the same district. Whenever allowances
37 of any character are made to an employee in lieu of wages or a
38 specified part of the wage contract, they shall be deemed a part of the
39 employee's earnings.

40 (v) For all disabilities occurring on and after July 1, 1985, "average
41 weekly wages" means the earnings of the injured employee during the
42 period of fifty-two (52) weeks immediately preceding the disability

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divided by fifty-two (52). If the employee lost seven (7) or more calendar days during the period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts of weeks remaining after the time lost has been deducted. If employment before the date of disability extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts of weeks during which the employee earned wages shall be followed if results just and fair to both parties will be obtained. If by reason of the shortness of the time during which the employee has been in the employment of the employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages for the employee, the employee's average weekly wages shall be considered to be the average weekly amount that, during the fifty-two (52) weeks before the date of disability, was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person in the same grade employed in that same class of employment in the same district. Whenever allowances of any character are made to an employee instead of wages or a specified part of the wage contract, they shall be considered a part of the employee's earnings.

(w) The provisions of this article may not be construed to result in an award of benefits in which the number of weeks paid or to be paid for temporary total disability, temporary partial disability, or permanent total disability benefits combined exceeds five hundred (500) weeks. This section shall not be construed to prevent a person from applying for an award under IC 22-3-3-13. However, in case of permanent total disability resulting from a disablement occurring on or after January 1, 1998, the minimum total benefit shall not be less than seventy-five thousand dollars (\$75,000).

SECTION 11. IC 22-3-7-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 21. (a) No compensation is allowed for any condition of physical or mental ill-being, disability, disablement, or death for which compensation is recoverable on account of accidental injury under chapters 2 through 6 of this article.

(b) ~~No~~ **The monetary compensation is allowed under IC 22-3-7-16 and IC 22-3-7-19 shall be reduced by twenty percent (20%)** for any disease or death ~~knowingly~~ **willfully** self-inflicted by the employee, or due to:

- (1) ~~his~~ intoxication;
- (2) ~~his~~ commission of an offense;



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- 1 (3) ~~his knowing~~ **willful** failure to use a safety appliance;
 2 (4) ~~his knowing~~ **willful** failure to obey a reasonable written or
 3 printed rule of the employer which has been posted in a
 4 conspicuous position in the place of work; or
 5 (5) ~~his knowing~~ **willful** failure to perform any statutory duty.

6 The burden of proof is on the defendant.

7 SECTION 12. IC 22-3-7-27, AS AMENDED BY P.L.235-1999,
 8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2002]: Sec. 27. (a) If the employer and the employee or the
 10 employee's dependents disagree in regard to the compensation payable
 11 under this chapter, or, if they have reached such an agreement, which
 12 has been signed by them, filed with and approved by the worker's
 13 compensation board, and afterward disagree as to the continuance of
 14 payments under such agreement, or as to the period for which payments
 15 shall be made, or as to the amount to be paid, because of a change in
 16 conditions since the making of such agreement, either party may then
 17 make an application to the board for the determination of the matters
 18 in dispute. When compensation which is payable in accordance with an
 19 award or by agreement approved by the board is ordered paid in a lump
 20 sum by the board, no review shall be had as in this subsection
 21 mentioned.

22 (b) The application making claim for compensation filed with the
 23 worker's compensation board shall state the following:

- 24 (1) The approximate date of the last day of the last exposure and
 25 the approximate date of the disablement.
 26 (2) The general nature and character of the illness or disease
 27 claimed.
 28 (3) The name and address of the employer by whom employed on
 29 the last day of the last exposure, and if employed by any other
 30 employer after such last exposure and before disablement, the
 31 name and address of such other employer or employers.
 32 (4) In case of death, the date and place of death.
 33 (5) Amendments to applications making claim for compensation
 34 which relate to the same disablement or disablement resulting in
 35 death originally claimed upon may be allowed by the board in its
 36 discretion, and, in the exercise of such discretion, it may, in
 37 proper cases, order a trial de novo. Such amendment shall relate
 38 back to the date of the filing of the original application so
 39 amended.

40 (c) Upon the filing of such application, the board shall set the date
 41 of hearing, which shall be as early as practicable, and shall notify the
 42 parties, in the manner prescribed by the board, of the time and place of

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1 hearing. The hearing of all claims for compensation on account of
2 occupational disease shall be held in the county in which the last
3 exposure occurred or in any adjoining county, except when the parties
4 consent to a hearing elsewhere. Claims assigned to an individual board
5 member that are considered to be of an emergency nature by that board
6 member, may be heard in any county within the board member's
7 jurisdiction.

8 (d) The board by any or all of its members shall hear the parties at
9 issue, their representatives, and witnesses, and shall determine the
10 dispute in a summary manner. The award shall be filed with the record
11 of proceedings, and a copy thereof shall immediately be sent by
12 registered mail to each of the parties in dispute.

13 (e) If an application for review is made to the board within thirty
14 (30) days from the date of the award made by less than all the
15 members, the full board, if the first hearing was not held before the full
16 board, shall review the evidence, or, if deemed advisable, hear the
17 parties at issue, their representatives, and witnesses as soon as
18 practicable, and shall make an award and file the same with the finding
19 of the facts on which it is based and send a copy thereof to each of the
20 parties in dispute, in like manner as specified in subsection (d).

21 (f) An award of the board by less than all of the members as
22 provided in this section, if not reviewed as provided in this section,
23 shall be final and conclusive. An award by the full board shall be
24 conclusive and binding unless either party to the dispute, within thirty
25 (30) days after receiving a copy of such award, appeals to the court of
26 appeals under the same terms and conditions as govern appeals in
27 ordinary civil actions. The court of appeals shall have jurisdiction to
28 review all questions of law and of fact. The board, of its own motion,
29 may certify questions of law to the court of appeals for its decision and
30 determination. An assignment of errors that the award of the full board
31 is contrary to law shall be sufficient to present both the sufficiency of
32 the facts found to sustain the award and the sufficiency of the evidence
33 to sustain the finding of facts. All such appeals and certified questions
34 of law shall be submitted upon the date filed in the court of appeals,
35 shall be advanced upon the docket of the court, and shall be determined
36 at the earliest practicable date, without any extensions of time for filing
37 briefs. An award of the full board affirmed on appeal, by the employer,
38 shall be increased thereby five percent (5%), and by order of the court
39 may be increased ten percent (10%).

40 (g) Upon order of the worker's compensation board made after five
41 (5) days notice is given to the opposite party, any party in interest may
42 file in the circuit or superior court of the county in which the



1 disablement occurred a certified copy of the memorandum of
 2 agreement, approved by the board, or of an order or decision of the
 3 board, or of an award of the full board unappealed from, or of an award
 4 of the full board affirmed upon an appeal, whereupon the court shall
 5 render judgment in accordance therewith and notify the parties. Such
 6 judgment shall have the same effect and all proceedings in relation
 7 thereto shall thereafter be the same as though such judgment has been
 8 rendered in a suit duly heard and determined by the court. Any such
 9 judgment of such circuit or superior court, unappealed from or affirmed
 10 on appeal or modified in obedience to the mandate of the court of
 11 appeals, shall be modified to conform to any decision of the industrial
 12 board ending, diminishing, or increasing any weekly payment under the
 13 provisions of subsection (i) upon the presentation to it of a certified
 14 copy of such decision.

15 (h) In all proceedings before the worker's compensation board or in
 16 a court under the compensation provisions of this chapter, the costs
 17 shall be awarded and taxed as provided by law in ordinary civil actions
 18 in the circuit court. **Prejudgment interest shall be awarded at a rate**
 19 **of ten percent (10%) per year accruing from the date of filing of**
 20 **the application for adjustment of claim as determined under**
 21 **subsection (a).**

22 (i) The power and jurisdiction of the worker's compensation board
 23 over each case shall be continuing, and, from time to time, it may, upon
 24 its own motion or upon the application of either party on account of a
 25 change in conditions, make such modification or change in the award
 26 ending, lessening, continuing, or extending the payments previously
 27 awarded, either by agreement or upon hearing, as it may deem just,
 28 subject to the maximum and minimum provided for in this chapter.
 29 When compensation which is payable in accordance with an award or
 30 settlement contract approved by the board is ordered paid in a lump
 31 sum by the board, no review shall be had as in this subsection
 32 mentioned. Upon making any such change, the board shall immediately
 33 send to each of the parties a copy of the modified award. No such
 34 modification shall affect the previous award as to any money paid
 35 thereunder. The board shall not make any such modification upon its
 36 own motion, nor shall any application therefor be filed by either party
 37 after the expiration of two (2) years from the last day for which
 38 compensation was paid under the original award made either by
 39 agreement or upon hearing, except that applications for increased
 40 permanent partial impairment are barred unless filed within one (1)
 41 year from the last day for which compensation was paid. The board
 42 may at any time correct any clerical error in any finding or award.



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(j) The board or any member thereof may, upon the application of either party or upon its own motion, appoint a disinterested and duly qualified physician or surgeon to make any necessary medical examination of the employee and to testify in respect thereto. Such physician or surgeon shall be allowed traveling expenses and a reasonable fee, to be fixed by the board. The fees and expenses of such physician or surgeon shall be paid by the state only on special order of the board or a member thereof.

(k) The board or any member thereof may, upon the application of either party or upon its own motion, appoint a disinterested and duly qualified industrial hygienist, industrial engineer, industrial physician, or chemist to make any necessary investigation of the occupation in which the employee alleges that ~~he~~ **the employee** was last exposed to the hazards of the occupational disease claimed upon, and testify with respect to the occupational disease health hazards found by such person or persons to exist in such occupation. Such person or persons shall be allowed traveling expenses and a reasonable fee, to be fixed by the board. The fees and expenses of such persons shall be paid by the state, only on special order of the board or a member thereof.

(l) Whenever any claimant misconceives the claimant's remedy and files an application for adjustment of a claim under IC 22-3-2 through IC 22-3-6 and it is subsequently discovered, at any time before the final disposition of such cause, that the claim for injury or death which was the basis for such application should properly have been made under the provisions of this chapter, then the application so filed under IC 22-3-2 through IC 22-3-6 may be amended in form or substance or both to assert a claim for such disability or death under the provisions of this chapter, and it shall be deemed to have been so filed as amended on the date of the original filing thereof, and such compensation may be awarded as is warranted by the whole evidence pursuant to the provisions of this chapter. When such amendment is submitted, further or additional evidence may be heard by the worker's compensation board when deemed necessary. Nothing in this section contained shall be construed to be or permit a waiver of any of the provisions of this chapter with reference to notice or time for filing a claim, but notice of filing of a claim, if given or done, shall be deemed to be a notice or filing of a claim under the provisions of this chapter if given or done within the time required in this chapter.

SECTION 13. IC 22-4-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. **(a) Except as provided in subsections (b) and (c),** "base period" means the first four (4) of the last five (5) completed calendar quarters immediately

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preceding the first day of an individual's benefit period. ~~Provided,~~
However, ~~That~~ for a claim computed in accordance with IC 1971,
22-4-22, the base period shall be the base period as outlined in the
paying state's law.

**(b) Effective July 1, 2002, "base period" also includes, in the case
of an individual who does not have sufficient wages in the base
period as set forth in subsection (a), the last four (4) completed
calendar quarters immediately preceding the first day of the
benefit year of the individual if the period qualifies the individual
for benefits under this chapter. Wages that fall within the base
period of claims established under this subsection are not available
for reuse in qualifying for a subsequent benefit year.**

**(c) In the case of a combined wage claim under an arrangement
approved by the United States Secretary of Labor, the base period
is the period applicable under the unemployment compensation
law of the paying state.**

**(d) The department shall adopt rules under IC 4-22-2 to obtain
wage information if wage information for the most recent quarter
of the base period as set forth under subsection (b) is not available
to the department from regular quarterly reports of wage
information that is systemically accessible.**

SECTION 14. IC 22-4-2-12.5 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12.5. **(a)**
Notwithstanding section 12 of this chapter, for an individual who
during the "base period" as defined in that section has received
worker's compensation benefits under IC 22-3-3 for a period of
fifty-two (52) weeks or less, and as a result has not earned sufficient
wage credits to meet the requirements of IC 22-4-14-5, "base period"
means the first four (4) of the last five (5) completed calendar quarters
immediately preceding the last day that the individual was able to
work, as a result of the individual's injury.

**(b) The provisions of section 12(b), 12(c), and 12(d) of this
chapter apply beginning July 1, 2002.**

SECTION 15. IC 22-4-2-22 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 22. "Valid claim"
means a claim filed by an individual who has established qualifying
wage credits and who is totally, partially, or part-totally unemployed;
Provided, no individual in a benefit period may file a valid claim for a
~~waiting period or~~ benefit period rights with respect to any period
subsequent to the expiration of such benefit period.

SECTION 16. IC 22-4-2-29 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 29. "Insured



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unemployment" means unemployment during a given week for which waiting period credit or benefits, **if applicable**, are claimed under the state employment security program, the unemployment compensation for federal employees program, the unemployment compensation for veterans program, or the railroad unemployment insurance program.

SECTION 17. IC 22-4-4-3, AS AMENDED BY P.L.30-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) For calendar quarters beginning on and after April 1, 1979, and before April 1, 1984, "wage credits" means remuneration paid for employment by an employer to an individual. Wage credits may not exceed three thousand six hundred sixty-six dollars (\$3,666) and may not include payments specified in section 2(b) of this chapter.

(b) For calendar quarters beginning on and after April 1, 1984, and before April 1, 1985, "wage credits" means remuneration paid for employment by an employer to an individual. Wage credits may not exceed three thousand nine hundred twenty-six dollars (\$3,926) and may not include payments specified in section 2(b) of this chapter.

(c) For calendar quarters beginning on and after April 1, 1985, and before January 1, 1991, "wage credits" means remuneration paid for employment by an employer to an individual. Wage credits may not exceed four thousand one hundred eighty-six dollars (\$4,186) and may not include payments specified in section 2(b) of this chapter.

(d) For calendar quarters beginning on and after January 1, 1991, and before July 1, 1995, "wage credits" means remuneration paid for employment by an employer to an individual. Wage credits may not exceed four thousand eight hundred ten dollars (\$4,810) and may not include payments specified in section 2(b) of this chapter.

(e) For calendar quarters beginning on and after July 1, 1995, and before July 1, 1997, "wage credits" means remuneration paid for employment by an employer to an individual and remuneration received as tips or gratuities in accordance with Sections 3102 and 3301 et seq. of the Internal Revenue Code. Wage credits may not exceed five thousand dollars (\$5,000) and may not include payments specified in section 2(b) of this chapter.

(f) For calendar quarters beginning on and after July 1, 1997, and before July 1, 1998, "wage credits" means remuneration paid for employment by an employer to an individual and remuneration received as tips or gratuities in accordance with Sections 3102 and 3301 et seq. of the Internal Revenue Code. Wage credits may not exceed five thousand four hundred dollars (\$5,400) and may not include payments specified in section 2(b) of this chapter.



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1 (g) For calendar quarters beginning on and after July 1, 1998, and
2 before July 1, 1999, "wage credits" means remuneration paid for
3 employment by an employer to an individual and remuneration
4 received as tips or gratuities in accordance with Sections 3102 and
5 3301 et seq. of the Internal Revenue Code. Wage credits may not
6 exceed five thousand six hundred dollars (\$5,600) and may not include
7 payments that are excluded from the definition of wages under section
8 2(b) of this chapter.

9 (h) For calendar quarters beginning on and after July 1, 1999, and
10 before July 1, 2000, "wage credits" means remuneration paid for
11 employment by an employer to an individual and remuneration
12 received as tips or gratuities in accordance with Sections 3102 and
13 3301 et seq. of the Internal Revenue Code. Wage credits may not
14 exceed five thousand eight hundred dollars (\$5,800) and may not
15 include payments that are excluded from the definition of wages under
16 section 2(b) of this chapter.

17 (i) For calendar quarters beginning on and after July 1, 2000, and
18 before July 1, 2001, "wage credits" means remuneration paid for
19 employment by an employer to an individual and remuneration
20 received as tips or gratuities in accordance with Sections 3102 and
21 3301 et seq. of the Internal Revenue Code. Wage credits may not
22 exceed six thousand seven hundred dollars (\$6,700) and may not
23 include payments that are excluded from the definition of wages under
24 section 2(b) of this chapter.

25 (j) For calendar quarters beginning on and after July 1, 2001, and
26 before July 1, 2002, "wage credits" means remuneration paid for
27 employment by an employer to an individual and remuneration
28 received as tips or gratuities in accordance with Sections 3102 and
29 3301 et seq. of the Internal Revenue Code. Wage credits may not
30 exceed seven thousand three hundred dollars (\$7,300) and may not
31 include payments that are excluded from the definition of wages under
32 section 2(b) of this chapter.

33 (k) For calendar quarters beginning on and after July 1, 2002, **and**
34 **before July 1, 2003**, "wage credits" means remuneration paid for
35 employment by an employer to an individual and remuneration
36 received as tips or gratuities in accordance with Sections 3102 and
37 3301 et seq. of the Internal Revenue Code. Wage credits may not
38 exceed seven thousand nine hundred dollars (\$7,900) and may not
39 include payments that are excluded from the definition of wages under
40 section 2(b) of this chapter.

41 **(l) For calendar quarters beginning on and after July 1, 2003,**
42 **"wage credits" means remuneration paid for employment by an**

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1 employer to an individual and remuneration received as tips or
 2 gratuities in accordance with Sections 3102 and 3301 et seq. of the
 3 Internal Revenue Code. Wage credits may not exceed eight
 4 thousand five hundred dollars (\$8,500) and may not include
 5 payments that are excluded from the definition of wages under
 6 section 2(b) of this chapter.

7 SECTION 18. IC 22-4-12-2, AS AMENDED BY P.L.235-1999,
 8 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2002]: Sec. 2. (a) With respect to initial claims filed for any
 10 week beginning on and after July 6, 1980, and before July 7, 1985,
 11 each eligible individual who is totally unemployed (as defined in
 12 IC 22-4-3-1) in any week in the individual's benefit period shall be paid
 13 for the week, if properly claimed, benefits at the rate of four and
 14 three-tenths percent (4.3%) of the individual's wage credits in the
 15 calendar quarter during the individual's base period in which the wage
 16 credits were highest. However, the weekly benefit amount may not
 17 exceed:

- 18 (1) eighty-four dollars (\$84) if the eligible and qualified
- 19 individual has no dependents;
- 20 (2) ninety-nine dollars (\$99) if the eligible and qualified
- 21 individual has one (1) dependent;
- 22 (3) one hundred thirteen dollars (\$113) if the eligible and
- 23 qualified individual has two (2) dependents;
- 24 (4) one hundred twenty-eight dollars (\$128) if the eligible and
- 25 qualified individual has three (3) dependents; or
- 26 (5) one hundred forty-one dollars (\$141) if the eligible and
- 27 qualified individual has four (4) or more dependents.

28 With respect to initial claims filed for any week beginning on and
 29 after July 7, 1985, and before July 6, 1986, each eligible individual who
 30 is totally unemployed (as defined in IC 22-4-3-1) in any week in the
 31 individual's benefit period shall be paid for the week, if properly
 32 claimed, benefits at the rate of four and three-tenths percent (4.3%) of
 33 the individual's wage credits in the calendar quarter during the
 34 individual's base period in which the wage credits were highest.
 35 However, the weekly benefit amount may not exceed:

- 36 (1) ninety dollars (\$90) if the eligible and qualified individual has
- 37 no dependents;
- 38 (2) one hundred six dollars (\$106) if the eligible and qualified
- 39 individual has one (1) dependent;
- 40 (3) one hundred twenty-one dollars (\$121) if the eligible and
- 41 qualified individual has two (2) dependents;
- 42 (4) one hundred thirty-seven dollars (\$137) if the eligible and



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1 qualified individual has three (3) dependents; or
 2 (5) one hundred fifty-one dollars (\$151) if the eligible and
 3 qualified individual has four (4) or more dependents.

4 With respect to initial claims filed for any week beginning on and
 5 after July 6, 1986, and before July 7, 1991, each eligible individual who
 6 is totally unemployed (as defined in IC 22-4-3-1) in any week in the
 7 individual's benefit period shall be paid for the week, if properly
 8 claimed, benefits at the rate of four and three-tenths percent (4.3%) of
 9 the individual's wage credits in the calendar quarter during the
 10 individual's base period in which the wage credits were highest.

11 However, the weekly benefit amount may not exceed:

- 12 (1) ninety-six dollars (\$96) if the eligible and qualified individual
- 13 has no dependents;
- 14 (2) one hundred thirteen dollars (\$113) if the eligible and
- 15 qualified individual has one (1) dependent;
- 16 (3) one hundred twenty-nine dollars (\$129) if the eligible and
- 17 qualified individual has two (2) dependents;
- 18 (4) one hundred forty-seven dollars (\$147) if the eligible and
- 19 qualified individual has three (3) dependents; or
- 20 (5) one hundred sixty-one dollars (\$161) if the eligible and
- 21 qualified individual has four (4) or more dependents.

22 With respect to initial claims filed for any week beginning on and
 23 after July 7, 1991, benefits shall be paid in accordance with subsections
 24 (d) through (k).

25 For the purpose of this subsection and subsections (e) through (g),
 26 the term "dependent" means lawful husband or wife, natural child,
 27 adopted child, stepchild, if such stepchild is not receiving aid to
 28 dependent children under the welfare program, or child placed in the
 29 claimant's home for adoption by an authorized placement agency or a
 30 court of law, provided such child is under eighteen (18) years of age
 31 and that such dependent claimed has received more than one-half (1/2)
 32 the cost of support from the claimant during ninety (90) days (or for
 33 duration of relationship, if less) immediately preceding the claimant's
 34 benefit year beginning date, but only if such dependent who is the
 35 lawful husband or wife is unemployed and currently ineligible for
 36 Indiana benefits because of insufficient base period wages. The number
 37 and status of dependents shall be determined as of the beginning of the
 38 claimant's benefit period and shall not be changed during that benefit
 39 period.

40 With respect to initial claims filed for any week beginning on and
 41 after July 6, 1980, the term "dependent" shall include a person with a
 42 disability over eighteen (18) years of age who is a child of the claimant

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1 and who receives more than one-half (1/2) the cost of his support from
2 the claimant during the ninety (90) day period immediately preceding
3 the claimant's benefit year beginning date. "Child" includes a natural
4 child, an adopted child, a stepchild of claimant, if the stepchild is not
5 receiving aid to dependent children under the welfare program, or a
6 child placed in the claimant's home for adoption by an authorized
7 placement agency or a court of law. The term "disabled" means an
8 individual who by reason of physical or mental defect or infirmity,
9 whether congenital or acquired by accident, injury, or disease, is totally
10 or partially prevented from achieving the fullest attainable physical,
11 social, economic, mental, and vocational participation in the normal
12 process of living.

13 For the purpose of this subsection, the term "dependent" includes a
14 child for whom claimant is the court appointed legal guardian.

15 On and after July 6, 1980, and before July 7, 1991, if the weekly
16 benefit amount is less than forty dollars (\$40), the board, through the
17 commissioner, shall pay benefits at the rate of forty dollars (\$40) per
18 week. On and after July 7, 1991, if the weekly benefit amount is less
19 than fifty dollars (\$50), the board, through the commissioner, shall pay
20 benefits at the rate of fifty dollars (\$50) per week. If such weekly
21 benefit amount is not a multiple of one dollar (\$1), it shall be computed
22 to the next lower multiple of one dollar (\$1).

23 (b) Each eligible individual who is partially or part-totally
24 unemployed in any week shall be paid with respect to such week a
25 benefit in an amount equal to his weekly benefit amount, less his
26 deductible income, if any, for such week. If such partial benefit is not
27 a multiple of one dollar (\$1), it shall be computed to the next lower
28 multiple of one dollar (\$1). Except for an individual who is totally
29 unemployed, an individual who is not partially or part-totally
30 unemployed is not eligible for any benefit. The board may prescribe
31 rules governing the payment of such partial benefits, and may provide,
32 with respect to individuals whose earnings cannot reasonably be
33 computed on a weekly basis, that such benefits may be computed and
34 paid on other than a weekly basis; however, such rules shall secure
35 results reasonably equivalent to those provided in the analogous
36 provisions of this section.

37 (c) The weekly extended benefit amount payable to an individual for
38 a week of total unemployment in the individual's eligibility period shall
39 be an amount equal to the weekly benefit amount payable to the
40 individual during the individual's applicable benefit period, prior to any
41 reduction of such weekly benefit amount.

42 (d) With respect to initial claims filed for any week beginning on

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and after July 7, 1991, and before July 1, 1995, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, benefits at the rate of:

(1) five percent (5%) of the first one thousand dollars (\$1,000) of the individual's wage credits in the calendar quarter during the individual's base period in which the wage credits were highest; and

(2) four percent (4%) of the individual's remaining wage credits in the calendar quarter during the individual's base period in which the wage credits were highest.

However, the weekly benefit amount may not exceed the amount specified in subsections (e) through (i).

(e) With respect to initial claims filed for any week beginning on and after July 7, 1991, and before July 5, 1992, the weekly benefit amount may not exceed:

(1) one hundred sixteen dollars (\$116) if the eligible and qualified individual has no dependents;

(2) one hundred thirty-four dollars (\$134) if the eligible and qualified individual has one (1) dependent;

(3) one hundred fifty-three dollars (\$153) if the eligible and qualified individual has two (2) dependents; or

(4) one hundred seventy-one dollars (\$171) if the eligible and qualified individual has three (3) or more dependents.

(f) With respect to initial claims filed for any week beginning on and after July 5, 1992, and before July 4, 1993, the weekly benefit amount may not exceed:

(1) one hundred forty dollars (\$140) if the eligible and qualified individual has no dependents;

(2) one hundred sixty dollars (\$160) if the eligible and qualified individual has one (1) dependent; or

(3) one hundred eighty-one dollars (\$181) if the eligible and qualified individual has two (2) or more dependents.

(g) With respect to initial claims filed for any week beginning on and after July 4, 1993, and before July 3, 1994, the weekly benefit amount may not exceed:

(1) one hundred seventy dollars (\$170) if the eligible and qualified individual has no dependents; or

(2) one hundred ninety-two dollars (\$192) if the eligible and qualified individual has one (1) or more dependents.

(h) With respect to initial claims filed for any week beginning on or after July 3, 1994, and before July 1, 1995, the weekly benefit amount

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may not exceed two hundred two dollars (\$202).

(i) With respect to initial claims filed for any week on or after July 1, 1995, the weekly benefit amount will equal the amount that results from applying the percentages provided in subsections (j) through ~~(k)~~ **(l)** to the applicable maximum wage credits under IC 22-4-4-3.

(j) With respect to initial claims filed for any week beginning on and after July 1, 1995, and before July 1, 1997, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, benefits at the rate of:

(1) five percent (5%) of the first one thousand seven hundred fifty dollars (\$1,750) of the individual's wage credits in the calendar quarter during the individual's base period in which the wage credits were highest; and

(2) four percent (4%) of the individual's remaining wage credits in the calendar quarter during the individual's base period in which the wage credits were highest.

However, the weekly benefit amount may not exceed the amount specified in subsection (i).

(k) With respect to initial claims filed for any week beginning on and after July 1, 1997, **and before July 1, 2004**, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, benefits at the rate of:

(1) five percent (5%) of the first two thousand dollars (\$2,000) of the individual's wage credits in the calendar quarter during the individual's base period in which the wage credits were highest; and

(2) four percent (4%) of the individual's remaining wage credits in the calendar quarter during the individual's base period in which the wage credits were highest.

(l) With respect to initial claims filed for any week beginning on and after July 1, 2004, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid if properly claimed according to the following:

(1) The weekly benefit amount shall be four and one-sixth percent (4 1/6%) of the average quarterly wages of the individual's total wages during the two (2) quarters of the individual's base year in which the individual's total wages were highest.

(2) The following maximum and minimum amounts payable



each week shall be determined as of June 30 of each year in order to apply to a benefit year beginning in the twelve (12) month period immediately following June 30:

(A) The maximum amount payable each week shall be fifty percent (50%) of the average weekly wage for the period beginning January 1 and ending June 30 of the current year.

(B) The minimum amount payable each week shall be fifteen percent (15%) of the average weekly wage for the period beginning January 1 and ending June 30 of the current year.

SECTION 19. IC 22-4-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 4. ~~As a condition precedent to the payment of benefits to an individual with respect to any week such individual shall be required to serve a waiting period of one (1) week in which he has been totally, partially or part-totally unemployed and with respect to which he has received no benefits, but during which he was eligible for benefits in all other respects and was not otherwise ineligible for benefits under any provisions of this article. Such waiting period shall be a week in the individual's benefit period and during such week such individual shall be physically and mentally able to work and available for work. No~~ An individual in a benefit period may **not** file for waiting period or benefit period rights with respect to any subsequent period. ~~Provided, however, That no waiting period shall be required as a prerequisite for drawing extended benefits.~~

SECTION 20. IC 22-4-14-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. (a) **Except for benefits due under IC 22-4-15-3.5**, for weeks of unemployment occurring after October 1, 1983, benefits may be paid to an individual on the basis of service performed in seasonal employment (as defined in IC 22-4-8-4) only if the claim is filed within the operating period of the seasonal employment. If the claim is filed outside the operating period of the seasonal employment, benefits may be paid on the basis of nonseasonal wages only.

(b) An employer shall file an application for a seasonal determination (as defined by IC 22-4-7-3) with the department of workforce development. A seasonal determination shall be made by the department within ninety (90) days after the filing of such an application. Until a seasonal determination by the department has been made in accordance with this section, no employer or worker may be considered seasonal.



(c) Any interested party may file an appeal regarding a seasonal determination within fifteen (15) calendar days after the determination by the department and obtain review of the determination in accordance with IC 22-4-32.

(d) Whenever an employer is determined to be a seasonal employer, the following provisions apply:

(1) The seasonal determination becomes effective the first day of the calendar quarter commencing after the date of the seasonal determination.

(2) The seasonal determination does not affect any benefit rights of seasonal workers with respect to employment before the effective date of the seasonal determination.

(e) If a seasonal employer, after the date of its seasonal determination, operates its business or its seasonal operation during a period or periods of twenty-six (26) weeks or more in a calendar year, the employer shall be determined by the department to have lost its seasonal status with respect to that business or operation effective at the end of the then current calendar quarter. The redetermination shall be reported in writing to the employer. Any interested party may file an appeal within fifteen (15) calendar days after the redetermination by the department and obtain review of the redetermination in accordance with IC 22-4-32.

(f) Seasonal employers shall keep account of wages paid to seasonal workers within the seasonal period as determined by the department and shall report these wages on a special seasonal quarterly report form provided by the department.

(g) The board shall adopt rules applicable to seasonal employers for determining their normal seasonal period or periods.

SECTION 21. IC 22-4-15-1, AS AMENDED BY P.L.290-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) With respect to benefit periods established on and after July 6, 1980, an individual who has voluntarily left the individual's most recent employment without good cause in connection with the work or who was discharged from the individual's most recent employment for just cause is ineligible for ~~waiting period or~~ benefit rights for the week in which the disqualifying separation occurred and until the individual has earned remuneration in employment equal to or exceeding the weekly benefit amount of the individual's claim in each of eight (8) weeks. If the qualification amount has not been earned at the expiration of an individual's benefit period, the unearned amount shall be carried forward to an extended benefit period or to the benefit period of a subsequent claim.



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(b) When it has been determined that an individual has been separated from employment under disqualifying conditions as outlined in this section, the maximum benefit amount of ~~his~~ **the individual's** current claim, as initially determined, shall be reduced by twenty-five percent (25%). If twenty-five percent (25%) of the maximum benefit amount is not an even dollar amount, the amount of such reduction will be raised to the next higher even dollar amount. The maximum benefit amount may not be reduced by more than twenty-five percent (25%) during any benefit period or extended benefit period.

(c) The disqualifications provided in this section shall be subject to the following modifications:

(1) An individual shall not be subject to disqualification because of separation from the individual's employment if:

(A) the individual left to accept with another employer previously secured permanent full-time work which offered reasonable expectation of continued covered employment and betterment of wages or working conditions; and thereafter was employed on said job;

(B) having been simultaneously employed by two (2) employers, the individual leaves one (1) such employer voluntarily without good cause in connection with the work but remains in employment with the second employer with a reasonable expectation of continued employment; or

(C) the individual left to accept recall made by a base period employer.

(2) An individual whose unemployment is the result of medically substantiated physical disability and who is involuntarily unemployed after having made reasonable efforts to maintain the employment relationship shall not be subject to disqualification under this section for such separation.

(3) An individual who left work to enter the armed forces of the United States shall not be subject to disqualification under this section for such leaving of work.

(4) An individual whose employment is terminated under the compulsory retirement provision of a collective bargaining agreement to which the employer is a party, or under any other plan, system, or program, public or private, providing for compulsory retirement and who is otherwise eligible shall not be deemed to have left the individual's work voluntarily without good cause in connection with the work. However, if such individual subsequently becomes reemployed and thereafter voluntarily leaves work without good cause in connection with the

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work, the individual shall be deemed ineligible as outlined in this section.

(5) An otherwise eligible individual shall not be denied benefits for any week because the individual is in training approved under Section 236(a)(1) of the Trade Act of 1974, nor shall the individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any week in training of provisions in this law (or any applicable federal unemployment compensation law), relating to availability for work, active search for work, or refusal to accept work. For purposes of this subdivision, the term "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the Trade Act of 1974), and wages for such work at not less than eighty percent (80%) of the individual's average weekly wage as determined for the purposes of the Trade Act of 1974.

(6) An individual is not subject to disqualification because of separation from the individual's employment if:

- (A) the employment was outside the individual's labor market;
- (B) the individual left to accept previously secured full-time work with an employer in the individual's labor market; and
- (C) the individual actually became employed with the employer in the individual's labor market.

(7) An individual who, but for the voluntary separation to move to another labor market to join a spouse who had moved to that labor market, shall not be disqualified for that voluntary separation, if the individual is otherwise eligible for benefits. Benefits paid to the spouse whose eligibility is established under this subdivision shall not be charged against the employer from whom the spouse voluntarily separated.

(8) An individual who is an affected employee (as defined in IC 22-4-43-1(1)) and is subject to the work sharing unemployment insurance program under IC 22-4-43 is not disqualified for participating in the work sharing unemployment insurance program.

As used in this subsection, "labor market" means the area surrounding an individual's permanent residence, outside which the individual cannot reasonably commute on a daily basis. In determining whether an individual can reasonably commute under this subdivision, the department shall consider the nature of the individual's job.



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(d) "Discharge for just cause" as used in this section is defined to include but not be limited to:

- (1) separation initiated by an employer for falsification of an employment application to obtain employment through subterfuge;
- (2) knowing violation of a reasonable and uniformly enforced rule of an employer;
- (3) unsatisfactory attendance, if the individual cannot show good cause for absences or tardiness;
- (4) damaging the employer's property through willful negligence;
- (5) refusing to obey instructions;
- (6) reporting to work under the influence of alcohol or drugs or consuming alcohol or drugs on employer's premises during working hours;
- (7) conduct endangering safety of self or coworkers; or
- (8) incarceration in jail following conviction of a misdemeanor or felony by a court of competent jurisdiction or for any breach of duty in connection with work which is reasonably owed an employer by an employee.

SECTION 22. IC 22-4-15-2, AS AMENDED BY P.L.290-2001, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) With respect to benefit periods established on and after July 3, 1977, an individual is ineligible for ~~waiting period~~ ~~or~~ benefit rights, or extended benefit rights, if the department finds that, being totally, partially, or part-totally unemployed at the time when the work offer is effective or when the individual is directed to apply for work, the individual fails without good cause:

- (1) to apply for available, suitable work when directed by the commissioner, the deputy, or an authorized representative of the department of workforce development or the United States training and employment service;
- (2) to accept, at any time after the individual is notified of a separation, suitable work when found for and offered to the individual by the commissioner, the deputy, or an authorized representative of the department of workforce development or the United States training and employment service, or an employment unit; or
- (3) to return to the individual's customary self-employment when directed by the commissioner or the deputy.

(b) With respect to benefit periods established on and after July 6, 1980, the ineligibility shall continue for the week in which the failure occurs and until the individual earns remuneration in employment



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1 equal to or exceeding the weekly benefit amount of the individual's
 2 claim in each of eight (8) weeks. If the qualification amount has not
 3 been earned at the expiration of an individual's benefit period, the
 4 unearned amount shall be carried forward to an extended benefit period
 5 or to the benefit period of a subsequent claim.

6 (c) With respect to extended benefit periods established on and after
 7 July 5, 1981, the ineligibility shall continue for the week in which the
 8 failure occurs and until the individual earns remuneration in
 9 employment equal to or exceeding the weekly benefit amount of the
 10 individual's claim in each of four (4) weeks.

11 (d) If an individual failed to apply for or accept suitable work as
 12 outlined in this section, the maximum benefit amount of the
 13 individual's current claim, as initially determined, shall be reduced by
 14 twenty-five percent (25%). If twenty-five percent (25%) of the
 15 maximum benefit amount is not an even dollar amount, the amount of
 16 such reduction shall be raised to the next higher even dollar amount.
 17 The maximum benefit amount of the individual's current claim may not
 18 be reduced by more than twenty-five percent (25%) during any benefit
 19 period or extended benefit period.

20 (e) In determining whether or not any such work is suitable for an
 21 individual, the department shall consider:

- 22 (1) the degree of risk involved to such individual's health, safety,
 23 and morals;
- 24 (2) the individual's physical fitness and prior training and
 25 experience;
- 26 (3) the individual's length of unemployment and prospects for
 27 securing local work in the individual's customary occupation; and
- 28 (4) the distance of the available work from the individual's
 29 residence.

30 However, work under substantially the same terms and conditions
 31 under which the individual was employed by a base-period employer,
 32 which is within the individual's prior training and experience and
 33 physical capacity to perform, shall be considered to be suitable work
 34 unless the claimant has made a bona fide change in residence which
 35 makes such offered work unsuitable to the individual because of the
 36 distance involved.

37 (f) Notwithstanding any other provisions of this article, no work
 38 shall be considered suitable and benefits shall not be denied under this
 39 article to any otherwise eligible individual for refusing to accept new
 40 work under any of the following conditions:

- 41 (1) If the position offered is vacant due directly to a strike,
 42 lockout, or other labor dispute.



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(2) If the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

(3) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining a bona fide labor organization.

(4) If as a condition of being employed the individual would be required to discontinue training into which the individual had entered with the approval of the department.

(g) Notwithstanding subsection (e), with respect to extended benefit periods established on and after July 5, 1981, "suitable work" means any work which is within an individual's capabilities. However, if the individual furnishes evidence satisfactory to the department that the individual's prospects for obtaining work in the individual's customary occupation within a reasonably short period are good, the determination of whether any work is suitable work shall be made as provided in subsection (e).

(h) With respect to extended benefit periods established on and after July 5, 1981, no work shall be considered suitable and extended benefits shall not be denied under this article to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) If the gross average weekly remuneration payable to the individual for the position would not exceed the sum of:

(A) the individual's average weekly benefit amount for the individual's benefit year; plus

(B) the amount (if any) of supplemental unemployment compensation benefits (as defined in Section 501(c)(17)(D) of the Internal Revenue Code) payable to the individual for such week.

(2) If the position was not offered to the individual in writing or was not listed with the department of workforce development.

(3) If such failure would not result in a denial of compensation under the provisions of this article to the extent that such provisions are not inconsistent with the applicable federal law.

(4) If the position pays wages less than the higher of:

(A) the minimum wage provided by 29 U.S.C. 206(a)(1) (The Fair Labor Standards Act of 1938), without regard to any exemption; or

(B) the state minimum wage (IC 22-2-2).

(i) The department of workforce development shall refer individuals eligible for extended benefits to any suitable work (as defined in

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subsection (g)) to which subsection (h) would not apply.

SECTION 23. IC 22-4-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. **(a) Except as provided in section 3.5 of this chapter**, an individual shall be ineligible for ~~waiting period~~ or benefit rights for any week with respect to which ~~his~~ **the individual's** total or partial or part-total unemployment is due to a labor dispute at the factory, establishment, or other premises at which ~~he~~ **the individual** was last employed.

(b) This section shall not apply to an individual if:

(1) ~~he~~ the individual has terminated ~~his~~ **the individual's** employment, or ~~his~~ **the individual's** employment has been terminated, with the employer involved in the labor dispute; ~~or if~~

(2) the labor dispute which caused ~~his~~ **the individual's** unemployment has terminated and any period necessary to resume normal activities at ~~his~~ **the individual's** place of employment has elapsed; or if

(3) all of the following conditions exist: He

(A) The individual is not participating in or financing or directly interested in the labor dispute which caused ~~his~~ **the individual's** unemployment. ~~and he~~

(B) The individual does not belong to a grade or class of workers of which, immediately before the commencement of ~~his~~ **the individual's** unemployment, there were members employed at the same premises as ~~he~~ **the individual**, any of whom are participating in or financing or directly interested in the dispute. ~~and he~~

(C) The individual has not voluntarily stopped working, other than at the direction of ~~his~~ **the worker's** employer, in sympathy with employees in some other establishment or factory in which a labor dispute is in progress.

(c) If in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purpose of this section, be deemed to be a separate factory, establishment, or other premises.

(d) Upon request of any claimant or employer involved in an issue arising under this section, the deputy shall, and in any other case the deputy may, refer claims of individuals with respect to whom there is an issue of the application of this section to an administrative law judge who shall make the initial determination with respect thereto, in accordance with the procedure in IC 22-4-17-3.

(e) Notwithstanding any other provisions of this article, an

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individual shall not be ineligible for ~~waiting period or~~ benefit rights under this section solely by reason of ~~his~~ **the individual's** failure or refusal to apply for or to accept recall to work or reemployment with an employer during the continuance of a labor dispute at the factory, establishment, or other premises of the employer, if the individual's last separation from the employer occurred prior to the start of the labor dispute and was permanent or for an indefinite period.

SECTION 24. IC 22-4-15-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 3.5. (a) As used in this section, "shuts down operations" means the termination of business by the employer, whether due to:**

(1) a filing of a petition under 11 U.S.C. 501, 11U.S.C. 1201, or 11U.S.C. 1301; or

(2) cessation of business by the employer, whether or not dissolution procedures under IC 23-1 have been filed.

(b) If the total or partial or part-total unemployment of an individual due to a labor dispute at the factory, establishment, or other premises at which the individual was last employed ends because the employer shuts down business and the individual continues to be totally, partially, or part-totaled unemployed, the individual is eligible for waiting period or benefit rights retroactive to the date of the individual's unemployment due to the labor dispute.

(c) Any benefits provided by a labor union or other associated fund to the individual during the period of the labor dispute, other than those provided under IC 22-4-5-1(a)(10), may not be considered remuneration for purposes of computing deductible income.

(d) Any retroactive benefits due to an individual under this section shall be limited to the maximum benefit periods provided in IC 22-4-12-4.

(e) Notwithstanding IC 22-4-14-11, benefits may be paid on the basis of service performed in seasonal employment to an individual who may be due retroactive benefits under this section who:

(1) has engaged in seasonal employment; and

(2) has filed a claim for benefits outside the operating period of seasonal employment.

(f) The provisions of IC 22-4-14-3 apply only after the date that the employer shuts down business.

(g) The department may use the procedures as prescribed by IC 22-4-17-1 for the taking of claims in the instance of mass layoffs



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1 **for claims made under this section.**

2 SECTION 25. IC 22-4-15-4, AS AMENDED BY P.L.290-2001,
3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2002]: Sec. 4. (a) An individual ~~shall be~~ **is** ineligible for
5 ~~waiting period or~~ benefit rights for any week with respect to which the
6 individual receives, is receiving, or has received payments equal to or
7 exceeding ~~his~~ **the individual's** weekly benefit amount in the form of:

8 (1) deductible income as defined and applied in IC 22-4-5-1 and
9 IC 22-4-5-2; or

10 (2) any pension, retirement or annuity payments, under any plan
11 of an employer whereby the employer contributes a portion or all
12 of the money. This disqualification shall apply only if some or all
13 of the benefits otherwise payable are chargeable to the experience
14 or reimbursable account of ~~such~~ **the** employer, or would have
15 been chargeable except for the application of this chapter. For ~~the~~
16 purposes of this subdivision, ~~(2)~~; federal old age, survivors, and
17 disability insurance benefits are not considered payments under
18 a plan of an employer whereby the employer maintains the plan
19 or contributes a portion or all of the money to the extent required
20 by federal law.

21 (b) If the payments described in subsection (a) are less than ~~his~~ **the**
22 **individual's** weekly benefit amount an otherwise eligible individual
23 ~~shall is not be~~ ineligible and shall be entitled to receive for such week
24 benefits reduced by the amount of such payments.

25 (c) This section does not preclude an individual from delaying a
26 claim to pension, retirement, or annuity payments until the individual
27 has received the benefits to which the individual would otherwise be
28 eligible under this chapter. Weekly benefits received before the date
29 the individual elects to retire shall not be reduced by any pension,
30 retirement, or annuity payments received on or after the date the
31 individual elects to retire.

32 SECTION 26. IC 22-4-15-5 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. Except as provided
34 in IC ~~1971~~, 22-4-22, an individual ~~shall be~~ **is** ineligible for ~~waiting~~
35 ~~period or~~ benefit rights for any week with respect to which or a part of
36 which ~~he~~ **the individual** receives, is receiving, has received or is
37 seeking unemployment benefits under an unemployment compensation
38 law of another state or of the United States. ~~Provided, that~~ **However,**
39 this disqualification shall not apply if the appropriate agency of such
40 other state or of the United States finally determines that ~~he~~ **the**
41 **individual** is not entitled to such employment benefits, including
42 benefits to federal civilian employees and ex-servicemen pursuant to

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1 5 U.S.C. Chapter 85.

2 SECTION 27. IC 22-4-16-1 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. Notwithstanding any
 4 other provisions of this article, if an individual knowingly fails to
 5 disclose amounts earned during any week in ~~his waiting period~~, **the**
 6 **individual's** benefit period or extended benefit period with respect to
 7 which benefit rights or extended benefit rights are claimed, or
 8 knowingly fails to disclose or has falsified as to any fact ~~which that~~
 9 would have disqualified ~~him~~ **the individual** or rendered ~~him~~ **the**
 10 **individual** ineligible for benefits or extended benefits or would have
 11 reduced ~~his~~ **the individual's** benefit rights or extended benefit rights
 12 during such a week, all of ~~his~~ **the individual's** wage credits established
 13 prior to the week of the falsification or failure to disclose shall be
 14 cancelled, and any benefits or extended benefits ~~which that~~ might
 15 otherwise have become payable to ~~him~~ **the individual** and any benefit
 16 rights or extended benefit rights based upon those wage credits shall be
 17 forfeited.

18 SECTION 28. IC 22-4-17-2, AS AMENDED BY P.L.290-2001,
 19 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2002]: Sec. 2. (a) When an individual files an initial claim, the
 21 department shall promptly make a determination of ~~his~~ **the**
 22 **individual's** status as an insured worker in a form prescribed by the
 23 board. A written notice of the determination of insured status shall be
 24 furnished ~~him to the individual~~ promptly. Each such determination
 25 shall be based on and include a written statement showing the amount
 26 of wages paid to the individual for insured work by each employer
 27 during the individual's base period and shall include a finding as to
 28 whether such wages meet the requirements for the individual to be an
 29 insured worker, and, if so, the week ending date of the first week of the
 30 individual's benefit period, the individual's weekly benefit amount, and
 31 the maximum amount of benefits that may be paid to the individual for
 32 weeks of unemployment in the individual's benefit period. For the
 33 individual who is not insured, the notice shall include the reason for the
 34 determination. Unless the individual, within twenty (20) days after such
 35 determination was mailed to the individual's last known address, or
 36 otherwise delivered to the individual, asks a hearing thereon before an
 37 administrative law judge, such determination shall be final and benefits
 38 shall be paid or denied in accordance therewith.

39 (b) The department shall promptly furnish each employer in the base
 40 period whose experience or reimbursable account is potentially
 41 chargeable with benefits to be paid to such individual with a notice in
 42 writing of the employer's benefit liability. Such notice shall contain the

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1 date, the name and social security account number of the individual,
 2 the ending date of the individual's base period, and the week ending
 3 date of the first week of the individual's benefit period. Such notice
 4 shall further contain information as to the proportion of benefits
 5 chargeable to the employer's experience or reimbursable account in
 6 ratio to the earnings of such individual from such employer. Unless the
 7 employer, within twenty (20) days after such notice of benefit liability
 8 was mailed to the employer's last known address, or otherwise
 9 delivered to the employer, asks a hearing thereon before an
 10 administrative law judge, such determination shall be final and benefits
 11 paid shall be charged in accordance therewith.

12 (c) An employing unit, including an employer, having knowledge
 13 of any facts which may affect an individual's eligibility or right to
 14 waiting period credits or benefits, shall notify the department of such
 15 facts within twenty (20) days after the mailing of notice that a former
 16 employee has filed an initial or additional claim for benefits on a form
 17 prescribed by the board.

18 (d) In addition to the foregoing determination of insured status by
 19 the department, the deputy shall, throughout the benefit period,
 20 determine the claimant's eligibility with respect to each week for which
 21 the claimant claims ~~waiting period credit~~ or benefit rights, the validity
 22 of the claimant's claim therefor, and the cause for which the claimant
 23 left the claimant's work, or may refer such claim to an administrative
 24 law judge who shall make the initial determination with respect thereto
 25 in accordance with the procedure in IC 22-4-17-3.

26 (e) In cases where the claimant's benefit eligibility or
 27 disqualification is disputed, the department shall promptly notify the
 28 claimant and the employer or employers directly involved or connected
 29 with the issue raised as to the validity of such claim, the eligibility of
 30 the claimant for ~~waiting period credit~~ or benefits, or the imposition of
 31 a disqualification period or penalty, or the denial thereof, and of the
 32 cause for which the claimant left the claimant's work, of such
 33 determination and the reasons thereof. Except as otherwise hereinafter
 34 provided in this subsection regarding parties located in Alaska, Hawaii,
 35 and Puerto Rico, unless the claimant or such employer, within twenty
 36 (20) days after such notification was mailed to the claimant's or the
 37 employer's last known address, or otherwise delivered to the claimant
 38 or the employer, asks a hearing before an administrative law judge
 39 thereon, such decision shall be final and benefits shall be paid or
 40 denied in accordance therewith. With respect to notice of disputed
 41 administrative determination or decision mailed or otherwise delivered
 42 to the claimant or employer either of whom is located in Alaska,



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Hawaii, or Puerto Rico, unless such claimant or employer, within twenty-five (25) days after such notification was mailed to the claimant's or employer's last known address or otherwise delivered to the claimant or employer, asks a hearing before an administrative law judge thereon, such decision shall be final and benefits shall be paid or denied in accordance therewith. If such hearing is desired, the request therefor shall be filed with the commissioner in writing within the prescribed periods as above set forth in this subsection and shall be in such form as the board may prescribe. In the event a hearing is requested by an employer or the department after it has been administratively determined that benefits should be allowed to a claimant, entitled benefits shall continue to be paid to said claimant unless said administrative determination has been reversed by a due process hearing. Benefits with respect to any week not in dispute shall be paid promptly regardless of any appeal.

(f) ~~No~~ A person may **not** participate on behalf of the department in any case in which the person is an interested party.

(g) Solely on the ground of obvious administrative error appearing on the face of an original determination, and within the benefit year of the affected claims, the commissioner, or a representative authorized by the commissioner to act in the commissioner's behalf, may reconsider and direct the deputy to revise the original determination so as to correct the obvious error appearing therein. Time for filing an appeal and requesting a hearing before an administrative law judge regarding the determinations handed down pursuant to this subsection shall begin on the date following the date of revision of the original determination and shall be filed with the commissioner in writing within the prescribed periods as above set forth in subsection (c).

(h) Notice to the employer and the claimant that the determination of the department is final if a hearing is not requested shall be prominently displayed on the notice of the determination which is sent to the employer and the claimant.

SECTION 29. IC 22-4-43 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 43. Work Sharing

Sec. 1. As used in this chapter:

(1) "Affected employee" means an individual who has been continuously on the payroll of an affected unit for at least three (3) months before the employing unit submits a work sharing plan.

(2) "Affected unit" means a specific plant, department, shift,



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or other definable unit of an employing unit:

(A) that has at least two (2) employees; and

(B) to which an approved work sharing plan applies.

(3) "Approved work sharing plan" means a plan that satisfies the purpose set forth in section 2 of this chapter and has the approval of the commissioner.

(4) "Commissioner" means the commissioner of workforce development appointed under IC 22-4.1-3-1.

(5) "Employee association" means:

(A) an association that is a party to a collective bargaining agreement under which it may negotiate a work sharing plan; or

(B) an association authorized by all of its members to become a party to a work sharing plan.

(6) "Normal weekly work hours" means the lesser of:

(A) the number of hours in a week that an employee customarily works for the regular employing unit; or

(B) forty (40) hours.

(7) "Work sharing plan" means a plan of an employing unit or employer association under which:

(A) normal weekly work hours of affected employees are reduced; and

(B) affected employees share the work that remains after the reduction.

(8) "Work sharing benefit" means benefits payable to an affected employee for work performed under an approved work sharing plan, including benefits payable to a federal civilian employee or former member of the armed forces under 5 U.S.C. 8500 et seq., but does not include benefits that are otherwise payable under this article.

(9) "Work sharing employer" means an employing unit or employer association for which a work sharing plan has been approved.

Sec. 2. The work sharing unemployment insurance program seeks to:

(1) preserve the jobs of employees and the work force of an employer during lowered economic activity by reduction in work hours or workdays rather than by a layoff of some employees while other employees continue their normal weekly work hours or workdays; and

(2) ameliorate the adverse effect of reduction in business activity by providing benefits for the part of the normal

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1 weekly work hours or workdays in which an employee does
2 not work.

3 **Sec. 3. An employing unit or employee association that wishes**
4 **to participate in the work sharing unemployment insurance**
5 **program shall submit to the commissioner a written work sharing**
6 **plan that the employing unit or representative of the employee**
7 **association has signed.**

8 **Sec. 4. (a) Within fifteen (15) days after receipt of a work**
9 **sharing plan, the commissioner shall give written approval or**
10 **disapproval of the plan to the employing unit or employee**
11 **association.**

12 **(b) The decision of the commissioner to disapprove a work**
13 **sharing plan is final and may not be appealed.**

14 **(c) An employing unit or employee association may submit a**
15 **new work sharing plan not less than fifteen (15) days after**
16 **disapproval of a work sharing plan.**

17 **Sec. 5. The commissioner shall approve a work sharing plan**
18 **that meets the following requirements:**

19 **(1) The work sharing plan must apply to:**

20 **(A) at least ten percent (10%) of the employees in an**
21 **affected unit; or**

22 **(B) at least twenty (20) employees in an affected unit in**
23 **which the work sharing plan applies equally to all affected**
24 **employees.**

25 **(2) The normal weekly work hours of affected employees in**
26 **the affected unit shall be reduced by at least ten percent**
27 **(10%) but the reduction may not exceed fifty percent (50%)**
28 **unless waived by the commissioner.**

29 **Sec. 6. A work sharing plan must:**

30 **(1) identify the affected unit;**

31 **(2) identify each employee in the affected unit by:**

32 **(A) name;**

33 **(B) Social Security number; and**

34 **(C) any other information that the commissioner requires;**

35 **(3) specify an expiration date that is not more than six (6)**
36 **months after the effective date of the work sharing plan;**

37 **(4) specify the effect that the work sharing plan will have on**
38 **the fringe benefits of each employee in the affected unit**
39 **including:**

40 **(A) health insurance for hospital, medical, dental, and**
41 **similar services;**

42 **(B) retirement benefits under benefit pension plans as**

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- 1 defined in the federal Employee Retirement Security Act
 2 (29 U.S.C. 1001 et seq.);
 3 (C) holiday and vacation pay;
 4 (D) sick leave; and
 5 (E) similar advantages;
 6 (5) certify that:
 7 (A) each affected employee has been continuously on the
 8 payroll of the employing unit for three (3) months
 9 immediately before the date on which the employing unit
 10 or employer association submits the work sharing plan;
 11 and
 12 (B) the total reduction in normal weekly work hours is in
 13 place of layoffs that would have:
 14 (i) affected at least the number of employees specified in
 15 section 5(1) of this chapter; and
 16 (ii) would have resulted in an equivalent reduction in
 17 work hours; and
 18 (6) contain the written approval of:
 19 (A) the collective bargaining agent for each collective
 20 bargaining agreement that covers any affected employee
 21 in the affected unit; or
 22 (B) if there is no agent, a representative of the employees
 23 or employee association in the affected unit.
 24 **Sec. 7. If a work sharing plan serves the work sharing employer**
 25 **as a transitional step to permanent staff reduction, the work**
 26 **sharing plan must contain a reemployment assistance plan for each**
 27 **affected employee that the work sharing employer develops with**
 28 **the commissioner.**
 29 **Sec. 8. The work sharing employer shall agree to:**
 30 (1) submit reports that are necessary to administer the work
 31 sharing plan; and
 32 (2) allow the department to have access to all records
 33 necessary to:
 34 (A) verify the work sharing plan before its approval; and
 35 (B) monitor and evaluate the application of the work
 36 sharing plan after its approval.
 37 **Sec. 9. (a) An approved work sharing plan may be modified if**
 38 **the modification meets the requirements for approval under**
 39 **section 6 of this chapter and the commissioner approves the**
 40 **modifications.**
 41 (b) An employing unit may add an employee to a work sharing
 42 plan when the employee has been continuously on the payroll for

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three (3) months.

(c) An approved modification of a work sharing plan may not change its expiration date.

Sec. 10. (a) An affected employee is eligible under section 12 of this chapter to receive work sharing benefits for each week in which the commissioner determines that the affected employee is:

(1) able to work; and

(2) available for more hours of work or full-time work for the worksharing employer.

(b) An affected employee who otherwise is eligible may not be denied work sharing benefits for lack of effort to secure work as set forth in IC 22-4-14-3 or for failure to apply for available suitable work as set forth in IC 22-4-15-2 from a person other than the work sharing employer.

(c) An affected employee shall apply for benefits under IC 22-4-17-1.

(d) An affected employee who otherwise is eligible for benefits is:

(1) considered to be unemployed for the purpose of the work sharing unemployment insurance program; and

(2) not subject to the requirements of IC 22-4-14-2.

Sec. 11. The weekly work sharing unemployment compensation benefit due to an affected worker is determined in STEP FOUR of the following formula:

STEP ONE: Determine the weekly benefit that would be due to the affected employee under IC 22-4-12-4.

STEP TWO: Determine the percentage of reduction in the employee's normal work hours as to those under the approved work sharing plan.

STEP THREE: Multiply the number determined in STEP ONE by the quotient determined in STEP TWO.

STEP FOUR: If the product determined under STEP THREE is not a multiple of one dollar (\$1), round down to the nearest lower multiple of one dollar (\$1).

Sec. 12. (a) An affected employee is eligible to receive not more than twenty six (26) weeks of work sharing benefits during each benefit year.

(b) The total amount of benefits payable under IC 22-4-12-4 and work sharing benefits payable under this chapter may not exceed the total payable for the benefit year under IC 22-4-12-4(a).

Sec. 13. The board shall establish rules under IC 4-22-2 applicable to partially unemployed workers for determining their



1 weekly benefit amount due under this chapter, subject to
2 IC 22-4-12-5(b).

3 **Sec. 14. During a week in which an affected employee who**
4 **otherwise is eligible for benefits does not work for the work**
5 **sharing employer:**

6 (1) the individual shall be paid benefits in accordance with
7 this chapter; and

8 (2) the week does not count as a week for which a work
9 sharing benefit is received.

10 **Sec. 15. During a week in which an employee earns wages under**
11 **an approved work sharing plan and other wages, the work sharing**
12 **benefit shall be reduced by the same percentage that the combined**
13 **wages are of wages for normal weekly work hours if the other**
14 **wages:**

15 (1) exceed the wages earned under the approved work sharing
16 plan; and

17 (2) do not exceed ninety percent (90%) of the wages that the
18 individual earns for normal weekly work hours.

19 **This computation applies regardless of whether the employee**
20 **earned the other wage from the work sharing employer or other**
21 **employer.**

22 **Sec. 16. While an affected employee applies for or receives work**
23 **sharing benefits, the affected employee is not eligible for:**

24 (1) extended benefits under IC 22-4-12-4; or

25 (2) supplemental federal unemployment compensation.

26 **Sec. 17. The commissioner may revoke approval of an approved**
27 **work sharing plan for good cause, including:**

28 (1) conduct or an occurrence that tends to defeat the intent
29 and effective operation of the approved work sharing plan;

30 (2) failure to comply with an assurance in the approved work
31 sharing plan;

32 (3) unreasonable revision of a productivity standard of the
33 affected unit; and

34 (4) violation of a criterion on which the commissioner based
35 the approval of the work sharing plan.

36 **SECTION 30. IC 22-4-44 IS ADDED TO THE INDIANA CODE**
37 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
38 **JULY 1, 2002]:**

39 **Chapter 44. Expanded Unemployment Insurance Benefits While**
40 **in State Training**

41 **Sec. 1. It is the intent of the general assembly that:**

42 (1) a training benefits program be established to provide

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unemployment insurance benefits to unemployed individuals who participate in training programs necessary for their reemployment;

(2) funding for the program be limited by a specified maximum amount each fiscal year;

(3) individuals unemployed as a result of structural changes in the economy and technological advances rendering their skills obsolete must receive the highest priority for participation in the program;

(4) individuals for whom suitable employment is available are not eligible for additional benefits while participating in training; and

(5) the program shall serve the following goals:

(A) Retraining should be available for those unemployed individuals whose skills are no longer in demand.

(B) To be eligible for retraining, an individual must have a long term attachment to the labor force.

(C) Training must enhance the individual's marketable skills and earning power.

(D) Retraining must be targeted to those industries or skills that are in high demand within the labor market.

Sec. 2. The following definitions apply throughout this chapter:

(1) "High demand" means demand for employment that exceeds the supply of qualified workers for occupations or skill sets in a labor market area.

(2) "State educational institution" has the meaning set forth in IC 20-12-0.5-1 and includes an equivalent educational institution in another state that also receives appropriations from the general assembly of the other state.

(3) "Sufficient tenure" means earning a plurality of wages in a particular occupation or using a particular skill set during the base period and at least two (2) of the four (4) twelve (12) month periods immediately preceding the base period.

(4) "Training benefits" means additional benefits paid under this chapter.

(5) "Training program" means:

(A) an education program determined to be necessary as a prerequisite to vocational training after counseling at the state educational institution in which the individual enrolls under the individual's approved training program; or

(B) a vocational training program at a state educational institution that:

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(i) is targeted to training for a high demand occupation. Beginning July 1, 2002, the assessment of high demand occupations authorized for training under this chapter must be substantially based on labor market and employment information developed by the department of employment and training services in cooperation with the commissioner of labor under IC 22-1-1-8(2);

(ii) is likely to enhance the individual's marketable skills and earning power; and

(iii) meets the criteria for performance developed by the department of employment and training services for the purpose of determining those training programs eligible for funding under 29 U.S.C. 2911 et seq.

The term does not include any course of education primarily intended to meet the requirements of a baccalaureate or higher degree, unless the training meets specific requirements for certification, licensing, or specific skills necessary for the occupation.

Sec. 3. Subject to availability of funds, training benefits are available for an individual who meets all the following conditions:

(1) The individual is eligible for or has exhausted entitlement to unemployment compensation benefits.

(2) The individual is a dislocated worker who:

(A) has been terminated or received a notice of termination from employment;

(B) is eligible for or has exhausted entitlement to unemployment compensation benefits; and

(C) is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for the individual's skills in that occupation or industry.

(3) Except as provided under subdivision (4), the individual has demonstrated, through a work history, sufficient tenure in an occupation or in work with a particular skill set. This screening will take place during the assessment process.

(4) The individual is, after assessment of demand for the individual's occupation or skills in the individual's labor market, determined to need job related training to find suitable employment in the individual's labor market. Beginning July 1, 2002, the assessment of demand for the individual's occupation or skill sets must be substantially based on declining occupation or skill sets identified in local

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labor market areas by the department of employment and training services.

(5) The individual develops an individual training program that is submitted to the commissioner for approval within sixty (60) days after the individual is notified by the department of the requirements of this section.

(6) The individual enters the approved training program within ninety (90) days after the date of the notification, unless the department determines that the training is not available during the ninety (90) day period, in which case the individual enters training as soon as it is available.

(7) The individual is enrolled in training approved under this chapter on a full-time basis as determined by the state educational institution and is making satisfactory progress in the training as certified by the state educational institution.

Sec. 4. An individual is not eligible for training benefits under this chapter if the individual:

(1) is a standby claimant who expects recall to his or her regular employer;

(2) has a definite recall date that is within six (6) months after the date the individual has been laid off; or

(3) is unemployed due to regular seasonal employment as defined in IC 22-4-8-4(a).

Sec. 5. Benefits shall be paid as follows:

(1) The total training benefit amount shall be fifty-two (52) times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid or considered paid with respect to the benefit year.

(2) The weekly benefit amount shall be the same as the regular weekly amount payable during the applicable benefit year and shall be paid under the same terms and conditions as regular benefits. The training benefits shall be paid before any extended benefits but not before any similar federally funded program.

(3) Training benefits are not payable for weeks more than two (2) years beyond the end of the benefit year of the regular claim.

Sec. 6. The provisions of IC 22-4-2-34(i) relating to exhaustees and regular benefits do not apply to an individual otherwise eligible for training benefits under this chapter when the individual's benefit year ends before the training benefits are exhausted and the individual is eligible for a new benefit year. The



individual will have the option of remaining on the original claim or filing a new claim.

Sec. 7. An individual who receives training benefits under this chapter or under any previous additional benefits program for training is not eligible for training benefits under this chapter for five (5) years from the last receipt of training benefits under this chapter or under any previous additional benefits program for training.

Sec. 8. All base period employers are interested parties to the approval of training and the granting of training benefits.

Sec. 9. By July 1, 2002, the department of employment and training services in cooperation with the commissioner of labor under IC 22-1-1-8(2) must identify occupations and skill sets that are declining and occupations and skill sets that are in high demand. Thereafter, the department of employment and training services shall update this information annually or more frequently if needed.

Sec. 10. The department is authorized to pay training benefits under section 3 of this chapter but may not obligate expenditures beyond the appropriation made by the general assembly or beyond funds available to the department under IC 22-4-40-11. The department shall develop a procedure to ensure that expenditures do not exceed available funds and to prioritize access to funds when again available.

Sec. 11. The department shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 31. [EFFECTIVE JULY 1, 2002] (a) Notwithstanding IC 22-4-43-13, as added by this act, the unemployment insurance board shall carry out the duties imposed upon it under IC 22-4-43-13, as added by this act, under interim written guidelines approved by the commissioner of workforce development.

(b) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 22-4-43-13, as added by this act.

(2) December 31, 2003.

SECTION 32. [EFFECTIVE JULY 1, 2002] (a) Notwithstanding IC 22-4-44-9, as added by this act, the department of workforce development shall carry out the duties imposed upon it under IC 22-4-44-9, as added by this act, under interim written guidelines approved by the commissioner of workforce development.

(b) This SECTION expires on the earlier of the following:



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1 **(1) The date rules are adopted under IC 22-4-44-9, as added**
2 **by this act.**

3 **(2) December 31, 2003.**

4 SECTION 33. [EFFECTIVE UPON PASSAGE] **(a)**
5 **Notwithstanding IC 22-4-2-12, as amended by this act, the**
6 **department of workforce development shall carry out the duties**
7 **imposed upon it under IC 22-4-2-12 under interim written**
8 **guidelines approved by the commissioner of the department of**
9 **workforce development.**

10 **(b) This SECTION expires on the earlier of the following:**

11 **(1) The date rules are adopted under IC 22-4-2-12, as**
12 **amended by this act.**

13 **(2) December 31, 2003.**

14 SECTION 34. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1313, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 3. IC 22-3-3-10, AS AMENDED BY P.L.31-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. (a) With respect to injuries in the following schedule occurring prior to April 1, 1951, the employee shall receive in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injuries, a weekly compensation of fifty-five percent (55%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after April 1, 1951, and prior to July 1, 1971, the employee shall receive in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injuries, a weekly compensation of sixty percent (60%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after July 1, 1971, and before July 1, 1977, the employee shall receive in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injuries, a weekly compensation of sixty percent (60%) of the employee's average weekly wages not to exceed one hundred dollars (\$100) average weekly wages, for the periods stated for the injuries. With respect to injuries in the following schedule occurring on and after July 1, 1977, and before July 1, 1979, the employee shall receive, in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injury, a weekly compensation of sixty percent (60%) of his average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the injury. With respect to injuries in the following schedule occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not to exceed fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the injury. With respect to injuries in the following schedule occurring on and after July 1, 1988, and before July 1, 1989, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the

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employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the injury.

With respect to injuries in the following schedule occurring on and after July 1, 1989, and before July 1, 1990, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the injury.

With respect to injuries in the following schedule occurring on and after July 1, 1990, and before July 1, 1991, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the injury.

(1) Amputation: For the loss by separation of the thumb, sixty (60) weeks, of the index finger forty (40) weeks, of the second finger thirty-five (35) weeks, of the third or ring finger thirty (30) weeks, of the fourth or little finger twenty (20) weeks, of the hand by separation below the elbow joint two hundred (200) weeks, or the arm above the elbow two hundred fifty (250) weeks, of the big toe sixty (60) weeks, of the second toe thirty (30) weeks, of the third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks, of the fifth or little toe ten (10) weeks, and for loss occurring before April 1, 1959, by separation of the foot below the knee joint one hundred fifty (150) weeks and of the leg above the knee joint two hundred (200) weeks; for loss occurring on and after April 1, 1959, by separation of the foot below the knee joint, one hundred seventy-five (175) weeks and of the leg above the knee joint two hundred twenty-five (225) weeks. The loss of more than one (1) phalange of a thumb or toes shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) the period for the loss of the entire finger. The loss

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of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger, shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) For the loss by separation of both hands or both feet or the total sight of both eyes, or any two (2) such losses in the same accident, five hundred (500) weeks.

(3) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred seventy-five (175) weeks.

(4) For the permanent and complete loss of hearing in one (1) ear, seventy-five (75) weeks, and in both ears, two hundred (200) weeks.

(5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of both testicles, one hundred fifty (150) weeks.

(b) With respect to injuries in the following schedule occurring prior to April 1, 1951, the employee shall receive in lieu of all other compensation on account of the injuries, a weekly compensation of fifty-five percent (55%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after April 1, 1951, and prior to April 1, 1955, the employee shall receive in lieu of all other compensation on account of the injuries a weekly compensation of sixty percent (60%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after April 1, 1955, and prior to July 1, 1971, the employee shall receive in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injuries, a weekly compensation of sixty percent (60%) of the employee's average weekly wages. With respect to injuries in the following schedule occurring on and after July 1, 1971, and before July 1, 1977, the employee shall receive in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injuries, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred dollars (\$100) average weekly wages, for the period stated for such injuries respectively. With respect to injuries in the following schedule occurring on and after July 1, 1977, and before July 1, 1979, the employee shall receive, in addition to temporary total disability benefits not exceeding twenty-six (26) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the injury. With respect to injuries in the following

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schedule occurring on and after July 1, 1979, and before July 1, 1988, the employee shall receive, in addition to temporary total disability benefits not exceeding fifty-two (52) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages not to exceed one hundred twenty-five dollars (\$125) average weekly wages for the period stated for the injury. With respect to injuries in the following schedule occurring on and after July 1, 1988, and before July 1, 1989, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the injury.

With respect to injuries in the following schedule occurring on and after July 1, 1989, and before July 1, 1990, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the injury.

With respect to injuries in the following schedule occurring on and after July 1, 1990, and before July 1, 1991, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the injury.

(1) Loss of use: The total permanent loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid for the same period as for the loss thereof by separation.

(2) Partial loss of use: For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(3) For injuries resulting in total permanent disability, five hundred (500) weeks.

(4) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection (a)(3), compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such

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permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then in such event compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses, plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(5) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection (a)(4), compensation shall be paid for a period proportional to the degree of such permanent reduction.

(6) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

(7) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(c) With respect to injuries in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the injury, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent ($66 \frac{2}{3}\%$) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the injury occurred.

(1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of

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permanent impairment; by separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, and for the loss by separation of any of the body parts described in subdivision (3), (5), or (8), on or after July 1, 1999, the dollar values per degree applying on the date of the injury as described in subsection (d) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation, thirty-five (35) degrees of permanent impairment.

(6) For the reduction of vision to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(7) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(8) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(9) Loss of use: The total permanent loss of the use of an arm, a

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hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(10) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(11) For injuries resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(12) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection (a)(3), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(13) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection (a)(4), compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

(14) In all other cases of permanent partial impairment, compensation proportionate to the degree of a permanent partial impairment, in the discretion of the worker's compensation board, not exceeding one hundred (100) degrees of permanent impairment.

(15) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(d) Compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the injury determined under subsection (c) and the following:



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(1) With respect to injuries occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars (\$500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars (\$900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars (\$1,500) per degree.

(2) With respect to injuries occurring on and after July 1, 1992, and before July 1, 1993, for each degree of permanent impairment from one (1) to twenty (20), five hundred dollars (\$500) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), eight hundred dollars (\$800) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(3) With respect to injuries occurring on and after July 1, 1993, and before July 1, 1997, for each degree of permanent impairment from one (1) to ten (10), five hundred dollars (\$500) per degree; for each degree of permanent impairment from eleven (11) to twenty (20), seven hundred dollars (\$700) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(4) With respect to injuries occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to injuries occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;

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for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to injuries occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to injuries occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred fifty dollars (\$2,500) per degree.

(8) With respect to injuries occurring on and after July 1, 2001, **and before July 1, 2002**, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

(9) **With respect to injuries occurring on and after July 1, 2002, and before July 1, 2003**, for each degree of permanent impairment from one (1) to ten (10), two thousand fifty dollars (\$2,050) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand seven hundred dollars (\$2,700) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand three hundred dollars (\$3,300) per degree; for each degree of permanent impairment above fifty (50), three

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thousand nine hundred dollars (\$3,900) per degree.

(10) With respect to injuries occurring on and after July 1, 2003, for each degree of permanent impairment from one (1) to ten (10), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), three thousand seventy-five dollars (\$3,075) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand seven hundred seventy-five dollars (\$3,775) per degree; for each degree of permanent impairment above fifty (50), four thousand five hundred twenty-five dollars (\$4,525) per degree.

(e) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (c) and (d) shall not exceed the following:

(1) With respect to injuries occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to injuries occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to injuries occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).

(4) With respect to injuries occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).

(5) With respect to injuries occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).

(6) With respect to injuries occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).

(7) With respect to injuries occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to injuries occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).

(9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to injuries occurring on or after July 1, 2002, **and before July 1, 2003**, eight hundred eighty-two dollars (\$882).

(11) With respect to injuries occurring on or after July 1, 2003, nine hundred forty-two dollars (\$942).

SECTION 4. IC 22-3-3-22, AS AMENDED BY P.L.31-2000, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 22. (a) In computing the compensation under this law with respect to injuries occurring on and after April 1, 1963, and prior to April 1, 1965, the average weekly wages shall be considered

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to be not more than seventy dollars (\$70) nor less than thirty dollars (\$30). In computing the compensation under this law with respect to injuries occurring on and after April 1, 1965, and prior to April 1, 1967, the average weekly wages shall be considered to be not more than seventy-five dollars (\$75) and not less than thirty dollars (\$30). In computing the compensation under this law with respect to injuries occurring on and after April 1, 1967, and prior to April 1, 1969, the average weekly wages shall be considered to be not more than eighty-five dollars (\$85) and not less than thirty-five dollars (\$35). In computing the compensation under this law with respect to injuries occurring on and after April 1, 1969, and prior to July 1, 1971, the average weekly wages shall be considered to be not more than ninety-five dollars (\$95) and not less than thirty-five dollars (\$35). In computing the compensation under this law with respect to injuries occurring on and after July 1, 1971, and prior to July 1, 1974, the average weekly wages shall be considered to be: (A) Not more than: (1) one hundred dollars (\$100) if no dependents; (2) one hundred five dollars (\$105) if one (1) dependent; (3) one hundred ten dollars (\$110) if two (2) dependents; (4) one hundred fifteen dollars (\$115) if three (3) dependents; (5) one hundred twenty dollars (\$120) if four (4) dependents; and (6) one hundred twenty-five dollars (\$125) if five (5) or more dependents; and (B) Not less than thirty-five dollars (\$35). In computing compensation for temporary total disability, temporary partial disability, and total permanent disability under this law with respect to injuries occurring on and after July 1, 1974, and before July 1, 1976, the average weekly wages shall be considered to be (A) not more than one hundred thirty-five dollars (\$135), and (B) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall in no case exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability and total permanent disability under this law with respect to injuries occurring on and after July 1, 1976, and before July 1, 1977, the average weekly wages shall be considered to be (1) not more than one hundred fifty-six dollars (\$156) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1977, and before July 1, 1979, the average weekly wages are considered to be (1) not more than one hundred eighty dollars (\$180); and (2) not less than seventy-five dollars (\$75). However, the weekly

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compensation payable may not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1979, and before July 1, 1980, the average weekly wages are considered to be (1) not more than one hundred ninety-five dollars (\$195), and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1980, and before July 1, 1983, the average weekly wages are considered to be (1) not more than two hundred ten dollars (\$210), and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1983, and before July 1, 1984, the average weekly wages are considered to be (1) not more than two hundred thirty-four dollars (\$234) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1984, and before July 1, 1985, the average weekly wages are considered to be (1) not more than two hundred forty-nine dollars (\$249) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be (1) not more than two hundred sixty-seven dollars (\$267) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1986, and before July 1, 1988, the average weekly wages are considered to be (1) not more than two hundred eighty-five dollars (\$285) and (2) not less than seventy-five

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dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1988, and before July 1, 1989, the average weekly wages are considered to be (1) not more than three hundred eighty-four dollars (\$384) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1989, and before July 1, 1990, the average weekly wages are considered to be (1) not more than four hundred eleven dollars (\$411) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1990, and before July 1, 1991, the average weekly wages are considered to be (1) not more than four hundred forty-one dollars (\$441) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are considered to be (1) not more than four hundred ninety-two dollars (\$492) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be (1) not more than five hundred forty dollars (\$540) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries

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occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be (1) not more than five hundred ninety-one dollars (\$591) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be (1) not more than six hundred forty-two dollars (\$642) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(b) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

(1) with respect to injuries occurring on and after July 1, 1997, and before July 1, 1998:

(A) not more than six hundred seventy-two dollars (\$672); and

(B) not less than seventy-five dollars (\$75);

(2) with respect to injuries occurring on and after July 1, 1998, and before July 1, 1999:

(A) not more than seven hundred two dollars (\$702); and

(B) not less than seventy-five dollars (\$75);

(3) with respect to injuries occurring on and after July 1, 1999, and before July 1, 2000:

(A) not more than seven hundred thirty-two dollars (\$732); and

(B) not less than seventy-five dollars (\$75);

(4) with respect to injuries occurring on and after July 1, 2000, and before July 1, 2001:

(A) not more than seven hundred sixty-two dollars (\$762); and

(B) not less than seventy-five dollars (\$75);

(5) with respect to injuries occurring on and after July 1, 2001, and before July 1, 2002:

(A) not more than eight hundred twenty-two dollars (\$822); and

(B) not less than seventy-five dollars (\$75); ~~and~~

(6) with respect to injuries occurring on and after July 1, 2002, **and before July 1, 2003:**

(A) not more than eight hundred eighty-two dollars (\$882);



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and

(B) not less than seventy-five dollars (\$75); and

(7) with respect to injuries occurring on and after July 1, 2003:

(A) not more than nine hundred forty-two dollars (\$942);
and

(B) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(c) For the purpose of this section only and with respect to injuries occurring on and after July 1, 1971, and prior to July 1, 1974, only, the term "dependent" as used in this section shall mean persons defined as presumptive dependents under section 19 of this chapter, except that such dependency shall be determined as of the date of the injury to the employee.

(d) With respect to any injury occurring on and after April 1, 1955, and prior to April 1, 1957, the maximum compensation exclusive of medical benefits, which shall be paid for an injury under any provisions of this law or under any combination of its provisions shall not exceed twelve thousand five hundred dollars (\$12,500) in any case. With respect to any injury occurring on and after April 1, 1957 and prior to April 1, 1963, the maximum compensation exclusive of medical benefits, which shall be paid for an injury under any provision of this law or under any combination of its provisions shall not exceed fifteen thousand dollars (\$15,000) in any case. With respect to any injury occurring on and after April 1, 1963, and prior to April 1, 1965, the maximum compensation exclusive of medical benefits, which shall be paid for an injury under any provision of this law or under any combination of its provisions shall not exceed sixteen thousand five hundred dollars (\$16,500) in any case. With respect to any injury occurring on and after April 1, 1965, and prior to April 1, 1967, the maximum compensation exclusive of medical benefits which shall be paid for any injury under any provision of this law or any combination of provisions shall not exceed twenty thousand dollars (\$20,000) in any case. With respect to any injury occurring on and after April 1, 1967, and prior to July 1, 1971, the maximum compensation exclusive of medical benefits which shall be paid for an injury under any provision of this law or any combination of provisions shall not exceed twenty-five thousand dollars (\$25,000) in any case. With respect to any injury occurring on and after July 1, 1971, and prior to July 1, 1974, the maximum compensation exclusive of medical benefits which shall be paid for any injury under any provision of this law or any combination

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of provisions shall not exceed thirty thousand dollars (\$30,000) in any case. With respect to any injury occurring on and after July 1, 1974, and before July 1, 1976, the maximum compensation exclusive of medical benefits which shall be paid for an injury under any provision of this law or any combination of provisions shall not exceed forty-five thousand dollars (\$45,000) in any case. With respect to an injury occurring on and after July 1, 1976, and before July 1, 1977, the maximum compensation, exclusive of medical benefits, which shall be paid for any injury under any provision of this law or any combination of provisions shall not exceed fifty-two thousand dollars (\$52,000) in any case. With respect to any injury occurring on and after July 1, 1977, and before July 1, 1979, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provision of this law or any combination of provisions may not exceed sixty thousand dollars (\$60,000) in any case. With respect to any injury occurring on and after July 1, 1979, and before July 1, 1980, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed sixty-five thousand dollars (\$65,000) in any case. With respect to any injury occurring on and after July 1, 1980, and before July 1, 1983, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed seventy thousand dollars (\$70,000) in any case. With respect to any injury occurring on and after July 1, 1983, and before July 1, 1984, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed seventy-eight thousand dollars (\$78,000) in any case. With respect to any injury occurring on and after July 1, 1984, and before July 1, 1985, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed eighty-three thousand dollars (\$83,000) in any case. With respect to any injury occurring on and after July 1, 1985, and before July 1, 1986, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed eighty-nine thousand dollars (\$89,000) in any case. With respect to any injury occurring on and after July 1, 1986, and before July 1, 1988, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed ninety-five thousand dollars (\$95,000) in any case. With respect

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to any injury occurring on and after July 1, 1988, and before July 1, 1989, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred twenty-eight thousand dollars (\$128,000) in any case.

With respect to any injury occurring on and after July 1, 1989, and before July 1, 1990, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred thirty-seven thousand dollars (\$137,000) in any case.

With respect to any injury occurring on and after July 1, 1990, and before July 1, 1991, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred forty-seven thousand dollars (\$147,000) in any case.

With respect to any injury occurring on and after July 1, 1991, and before July 1, 1992, the maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred sixty-four thousand dollars (\$164,000) in any case.

With respect to any injury occurring on and after July 1, 1992, and before July 1, 1993, the maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred eighty thousand dollars (\$180,000) in any case.

With respect to any injury occurring on and after July 1, 1993, and before July 1, 1994, the maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred ninety-seven thousand dollars (\$197,000) in any case.

With respect to any injury occurring on and after July 1, 1994, and before July 1, 1997, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed two hundred fourteen thousand dollars (\$214,000) in any case.

(e) The maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provision of this law or any combination of provisions may not exceed the following amounts in any case:

- (1) With respect to an injury occurring on and after July 1, 1997, and before July 1, 1998, two hundred twenty-four thousand dollars (\$224,000).



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(2) With respect to an injury occurring on and after July 1, 1998, and before July 1, 1999, two hundred thirty-four thousand dollars (\$234,000).

(3) With respect to an injury occurring on and after July 1, 1999, and before July 1, 2000, two hundred forty-four thousand dollars (\$244,000).

(4) With respect to an injury occurring on and after July 1, 2000, and before July 1, 2001, two hundred fifty-four thousand dollars (\$254,000).

(5) With respect to an injury occurring on and after July 1, 2001, and before July 1, 2002, two hundred seventy-four thousand dollars (\$274,000).

(6) With respect to an injury occurring on and after July 1, 2002, two hundred ninety-four thousand dollars (\$294,000)."

Page 16, line 11, after "2001," insert "**and before July 1, 2002,**".

Page 16, between lines 18 and 19, begin a new line block indented and insert:

"(9) With respect to disablements occurring on and after July 1, 2002, and before July 1, 2003, for each degree of permanent impairment from one (1) to ten (10), two thousand fifty dollars (\$2,050) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), two thousand seven hundred dollars (\$2,700) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand three hundred dollars (\$3,300) per degree; for each degree of permanent impairment above fifty (50), three thousand nine hundred dollars (\$3,900) per degree.

(10) With respect to disablements occurring on and after July 1, 2003, for each degree of permanent impairment from one (1) to ten (10), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), three thousand seventy-five dollars (\$3,075) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), three thousand seven hundred seventy-five dollars (\$3,775) per degree; for each degree of permanent impairment above fifty (50), four thousand five hundred twenty-five dollars (\$4,525) per degree. "

Page 17, line 2, strike "injuries" and insert "**disablements**".

Page 17, line 4, strike "injuries" and insert "**disablements**".

Page 17, line 4, after "2002," insert "**and before July 1, 2003,**".

Page 17, between lines 5 and 6, begin a new line block indented and

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insert:

"(11) With respect to disablements occurring on or after July 1, 2003, nine hundred forty-two dollars (\$942)."

Page 23, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 10. IC 22-3-7-19, AS AMENDED BY P.L.31-2000, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 19. (a) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability under this law with respect to occupational diseases occurring:

(1) on and after July 1, 1974, and before July 1, 1976, the average weekly wages shall be considered to be:

(A) not more than one hundred thirty-five dollars (\$135); and

(B) not less than seventy-five dollars (\$75);

(2) on and after July 1, 1976, and before July 1, 1977, the average weekly wages shall be considered to be:

(A) not more than one hundred fifty-six dollars (\$156); and

(B) not less than seventy-five dollars (\$75);

(3) on and after July 1, 1977, and before July 1, 1979, the average weekly wages are considered to be:

(A) not more than one hundred eighty dollars (\$180); and

(B) not less than seventy-five dollars (\$75);

(4) on and after July 1, 1979, and before July 1, 1980, the average weekly wages are considered to be:

(A) not more than one hundred ninety-five dollars (\$195); and

(B) not less than seventy-five dollars (\$75);

(5) on and after July 1, 1980, and before July 1, 1983, the average weekly wages are considered to be:

(A) not more than two hundred ten dollars (\$210); and

(B) not less than seventy-five dollars (\$75);

(6) on and after July 1, 1983, and before July 1, 1984, the average weekly wages are considered to be:

(A) not more than two hundred thirty-four dollars (\$234); and

(B) not less than seventy-five dollars (\$75); and

(7) on and after July 1, 1984, and before July 1, 1985, the average weekly wages are considered to be:

(A) not more than two hundred forty-nine dollars (\$249); and

(B) not less than seventy-five dollars (\$75).

(b) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be:

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- (1) not more than two hundred sixty-seven dollars (\$267); and
- (2) not less than seventy-five dollars (\$75).

(c) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1986, and before July 1, 1988, the average weekly wages are considered to be:

- (1) not more than two hundred eighty-five dollars (\$285); and
- (2) not less than seventy-five dollars (\$75).

(d) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1988, and before July 1, 1989, the average weekly wages are considered to be:

- (1) not more than three hundred eighty-four dollars (\$384); and
- (2) not less than seventy-five dollars (\$75).

(e) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1989, and before July 1, 1990, the average weekly wages are considered to be:

- (1) not more than four hundred eleven dollars (\$411); and
- (2) not less than seventy-five dollars (\$75).

(f) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1990, and before July 1, 1991, the average weekly wages are considered to be:

- (1) not more than four hundred forty-one dollars (\$441); and
- (2) not less than seventy-five dollars (\$75).

(g) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are considered to be:

- (1) not more than four hundred ninety-two dollars (\$492); and
- (2) not less than seventy-five dollars (\$75).

(h) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be:

- (1) not more than five hundred forty dollars (\$540); and
- (2) not less than seventy-five dollars (\$75).

(i) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be:

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- (1) not more than five hundred ninety-one dollars (\$591); and
- (2) not less than seventy-five dollars (\$75).

(j) In computing compensation for temporary total disability, temporary partial disability and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be:

- (1) not more than six hundred forty-two dollars (\$642); and
- (2) not less than seventy-five dollars (\$75).

(k) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

- (1) with respect to occupational diseases occurring on and after July 1, 1997, and before July 1, 1998:

- (A) not more than six hundred seventy-two dollars (\$672); and
- (B) not less than seventy-five dollars (\$75);

- (2) with respect to occupational diseases occurring on and after July 1, 1998, and before July 1, 1999:

- (A) not more than seven hundred two dollars (\$702); and
- (B) not less than seventy-five dollars (\$75);

- (3) with respect to occupational diseases occurring on and after July 1, 1999, and before July 1, 2000:

- (A) not more than seven hundred thirty-two dollars (\$732); and
- (B) not less than seventy-five dollars (\$75);

- (4) with respect to occupational diseases occurring on and after July 1, 2000, and before July 1, 2001:

- (A) not more than seven hundred sixty-two dollars (\$762); and
- (B) not less than seventy-five dollars (\$75);

- (5) with respect to ~~disabilities~~ **occupational diseases** occurring on and after July 1, 2001, and before July 1, 2002:

- (A) not more than eight hundred twenty-two dollars (\$822); and
- (B) not less than seventy-five dollars (\$75); ~~and~~

- (6) with respect to ~~disabilities~~ **occupational diseases** occurring on and after July 1, 2002, **and before July 1, 2003:**

- (A) not more than eight hundred eighty-two dollars (\$882); and
- (B) not less than seventy-five dollars (\$75); **and**

- (7) **with respect to occupational diseases occurring on and after July 1, 2003:**

- (A) **not more than nine hundred forty-two dollars (\$942); and**

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(B) not less than seventy-five dollars (\$75).

(l) The maximum compensation that shall be paid for occupational disease and its results under any one (1) or more provisions of this chapter with respect to disability or death occurring:

- (1) on and after July 1, 1974, and before July 1, 1976, shall not exceed forty-five thousand dollars (\$45,000) in any case;
- (2) on and after July 1, 1976, and before July 1, 1977, shall not exceed fifty-two thousand dollars (\$52,000) in any case;
- (3) on and after July 1, 1977, and before July 1, 1979, may not exceed sixty thousand dollars (\$60,000) in any case;
- (4) on and after July 1, 1979, and before July 1, 1980, may not exceed sixty-five thousand dollars (\$65,000) in any case;
- (5) on and after July 1, 1980, and before July 1, 1983, may not exceed seventy thousand dollars (\$70,000) in any case;
- (6) on and after July 1, 1983, and before July 1, 1984, may not exceed seventy-eight thousand dollars (\$78,000) in any case; and
- (7) on and after July 1, 1984, and before July 1, 1985, may not exceed eighty-three thousand dollars (\$83,000) in any case.

(m) The maximum compensation with respect to disability or death occurring on and after July 1, 1985, and before July 1, 1986, which shall be paid for occupational disease and the results thereof under the provisions of this chapter or under any combination of its provisions may not exceed eighty-nine thousand dollars (\$89,000) in any case. The maximum compensation with respect to disability or death occurring on and after July 1, 1986, and before July 1, 1988, which shall be paid for occupational disease and the results thereof under the provisions of this chapter or under any combination of its provisions may not exceed ninety-five thousand dollars (\$95,000) in any case. The maximum compensation with respect to disability or death occurring on and after July 1, 1988, and before July 1, 1989, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred twenty-eight thousand dollars (\$128,000) in any case.

(n) The maximum compensation with respect to disability or death occurring on and after July 1, 1989, and before July 1, 1990, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred thirty-seven thousand dollars (\$137,000) in any case.

(o) The maximum compensation with respect to disability or death occurring on and after July 1, 1990, and before July 1, 1991, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one

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hundred forty-seven thousand dollars (\$147,000) in any case.

(p) The maximum compensation with respect to disability or death occurring on and after July 1, 1991, and before July 1, 1992, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed one hundred sixty-four thousand dollars (\$164,000) in any case.

(q) The maximum compensation with respect to disability or death occurring on and after July 1, 1992, and before July 1, 1993, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed one hundred eighty thousand dollars (\$180,000) in any case.

(r) The maximum compensation with respect to disability or death occurring on and after July 1, 1993, and before July 1, 1994, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed one hundred ninety-seven thousand dollars (\$197,000) in any case.

(s) The maximum compensation with respect to disability or death occurring on and after July 1, 1994, and before July 1, 1997, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed two hundred fourteen thousand dollars (\$214,000) in any case.

(t) The maximum compensation that shall be paid for occupational disease and the results of an occupational disease under this chapter or under any combination of the provisions of this chapter may not exceed the following amounts in any case:

- (1) With respect to disability or death occurring on and after July 1, 1997, and before July 1, 1998, two hundred twenty-four thousand dollars (\$224,000).
- (2) With respect to disability or death occurring on and after July 1, 1998, and before July 1, 1999, two hundred thirty-four thousand dollars (\$234,000).
- (3) With respect to disability or death occurring on and after July 1, 1999, and before July 1, 2000, two hundred forty-four thousand dollars (\$244,000).
- (4) With respect to disability or death occurring on and after July 1, 2000, and before July 1, 2001, two hundred fifty-four thousand dollars (\$254,000).
- (5) With respect to disability or death occurring on and after July 1, 2001, and before July 1, 2002, two hundred seventy-four

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thousand dollars (\$274,000).

(6) With respect to disability or death occurring on and after July 1, 2002, two hundred ninety-four thousand dollars (\$294,000).

(u) For all disabilities occurring before July 1, 1985, "average weekly wages" shall mean the earnings of the injured employee in the employment in which the employee was working at the time of the last exposure during the period of fifty-two (52) weeks immediately preceding the last day of the last exposure divided by fifty-two (52). If the employee lost seven (7) or more calendar days during the period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts thereof remaining after the time lost has been deducted. Where the employment prior to the last day of the last exposure extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed if results just and fair to both parties will be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of the employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages as above defined, regard shall be had to the average weekly amount which, during the fifty-two (52) weeks previous to the last day of the last exposure, was being earned by a person in the same grade employed at the same work by the same employer, or if there is no person so employed, by a person in the same grade employed in that same class of employment in the same district. Whenever allowances of any character are made to an employee in lieu of wages or a specified part of the wage contract, they shall be deemed a part of the employee's earnings.

(v) For all disabilities occurring on and after July 1, 1985, "average weekly wages" means the earnings of the injured employee during the period of fifty-two (52) weeks immediately preceding the disability divided by fifty-two (52). If the employee lost seven (7) or more calendar days during the period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts of weeks remaining after the time lost has been deducted. If employment before the date of disability extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts of weeks during which the employee earned wages shall be followed if results just and fair to both parties will be obtained. If by reason of the shortness of the time during which the employee has been

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in the employment of the employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages for the employee, the employee's average weekly wages shall be considered to be the average weekly amount that, during the fifty-two (52) weeks before the date of disability, was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person in the same grade employed in that same class of employment in the same district. Whenever allowances of any character are made to an employee instead of wages or a specified part of the wage contract, they shall be considered a part of the employee's earnings.

(w) The provisions of this article may not be construed to result in an award of benefits in which the number of weeks paid or to be paid for temporary total disability, temporary partial disability, or permanent total disability benefits combined exceeds five hundred (500) weeks. This section shall not be construed to prevent a person from applying for an award under IC 22-3-3-13. However, in case of permanent total disability resulting from a disablement occurring on or after January 1, 1998, the minimum total benefit shall not be less than seventy-five thousand dollars (\$75,000)."

Page 27, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 13. IC 22-4-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. **(a) Except as provided in subsections (b) and (c),** "base period" means the first four (4) of the last five (5) completed calendar quarters immediately preceding the first day of an individual's benefit period. ~~Provided,~~ However, ~~That~~ for a claim computed in accordance with IC 1971, 22-4-22, the base period shall be the base period as outlined in the paying state's law.

(b) Effective July 1, 2002, "base period" also includes, in the case of an individual who does not have sufficient wages in the base period as set forth in subsection (a), the last four (4) completed calendar quarters immediately preceding the first day of the benefit year of the individual if the period qualifies the individual for benefits under this chapter. Wages that fall within the base period of claims established under this subsection are not available for reuse in qualifying for a subsequent benefit year.

(c) In the case of a combined wage claim under an arrangement approved by the United States Secretary of Labor, the base period is the period applicable under the unemployment compensation law of the paying state.

(d) The department shall adopt rules under IC 4-22-2 to obtain



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wage information if wage information for the most recent quarter of the base period as set forth under subsection (b) is not available to the department from regular quarterly reports of wage information that is systemically accessible.

SECTION 14. IC 22-4-2-12.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12.5. (a) Notwithstanding section 12 of this chapter, for an individual who during the "base period" as defined in that section has received worker's compensation benefits under IC 22-3-3 for a period of fifty-two (52) weeks or less, and as a result has not earned sufficient wage credits to meet the requirements of IC 22-4-14-5, "base period" means the first four (4) of the last five (5) completed calendar quarters immediately preceding the last day that the individual was able to work, as a result of the individual's injury.

(b) The provisions of section 12(b), 12(c), and 12(d) of this chapter apply beginning July 1, 2002.

SECTION 15. IC 22-4-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 22. "Valid claim" means a claim filed by an individual who has established qualifying wage credits and who is totally, partially, or part-totally unemployed; Provided, no individual in a benefit period may file a valid claim for a ~~waiting period or~~ benefit period rights with respect to any period subsequent to the expiration of such benefit period.

SECTION 16. IC 22-4-2-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 29. "Insured unemployment" means unemployment during a given week for which waiting period credit or benefits, **if applicable**, are claimed under the state employment security program, the unemployment compensation for federal employees program, the unemployment compensation for veterans program, or the railroad unemployment insurance program.

SECTION 17. IC 22-4-4-3, AS AMENDED BY P.L.30-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) For calendar quarters beginning on and after April 1, 1979, and before April 1, 1984, "wage credits" means remuneration paid for employment by an employer to an individual. Wage credits may not exceed three thousand six hundred sixty-six dollars (\$3,666) and may not include payments specified in section 2(b) of this chapter.

(b) For calendar quarters beginning on and after April 1, 1984, and before April 1, 1985, "wage credits" means remuneration paid for employment by an employer to an individual. Wage credits may not exceed three thousand nine hundred twenty-six dollars (\$3,926) and



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may not include payments specified in section 2(b) of this chapter.

(c) For calendar quarters beginning on and after April 1, 1985, and before January 1, 1991, "wage credits" means remuneration paid for employment by an employer to an individual. Wage credits may not exceed four thousand one hundred eighty-six dollars (\$4,186) and may not include payments specified in section 2(b) of this chapter.

(d) For calendar quarters beginning on and after January 1, 1991, and before July 1, 1995, "wage credits" means remuneration paid for employment by an employer to an individual. Wage credits may not exceed four thousand eight hundred ten dollars (\$4,810) and may not include payments specified in section 2(b) of this chapter.

(e) For calendar quarters beginning on and after July 1, 1995, and before July 1, 1997, "wage credits" means remuneration paid for employment by an employer to an individual and remuneration received as tips or gratuities in accordance with Sections 3102 and 3301 et seq. of the Internal Revenue Code. Wage credits may not exceed five thousand dollars (\$5,000) and may not include payments specified in section 2(b) of this chapter.

(f) For calendar quarters beginning on and after July 1, 1997, and before July 1, 1998, "wage credits" means remuneration paid for employment by an employer to an individual and remuneration received as tips or gratuities in accordance with Sections 3102 and 3301 et seq. of the Internal Revenue Code. Wage credits may not exceed five thousand four hundred dollars (\$5,400) and may not include payments specified in section 2(b) of this chapter.

(g) For calendar quarters beginning on and after July 1, 1998, and before July 1, 1999, "wage credits" means remuneration paid for employment by an employer to an individual and remuneration received as tips or gratuities in accordance with Sections 3102 and 3301 et seq. of the Internal Revenue Code. Wage credits may not exceed five thousand six hundred dollars (\$5,600) and may not include payments that are excluded from the definition of wages under section 2(b) of this chapter.

(h) For calendar quarters beginning on and after July 1, 1999, and before July 1, 2000, "wage credits" means remuneration paid for employment by an employer to an individual and remuneration received as tips or gratuities in accordance with Sections 3102 and 3301 et seq. of the Internal Revenue Code. Wage credits may not exceed five thousand eight hundred dollars (\$5,800) and may not include payments that are excluded from the definition of wages under section 2(b) of this chapter.

(i) For calendar quarters beginning on and after July 1, 2000, and



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before July 1, 2001, "wage credits" means remuneration paid for employment by an employer to an individual and remuneration received as tips or gratuities in accordance with Sections 3102 and 3301 et seq. of the Internal Revenue Code. Wage credits may not exceed six thousand seven hundred dollars (\$6,700) and may not include payments that are excluded from the definition of wages under section 2(b) of this chapter.

(j) For calendar quarters beginning on and after July 1, 2001, and before July 1, 2002, "wage credits" means remuneration paid for employment by an employer to an individual and remuneration received as tips or gratuities in accordance with Sections 3102 and 3301 et seq. of the Internal Revenue Code. Wage credits may not exceed seven thousand three hundred dollars (\$7,300) and may not include payments that are excluded from the definition of wages under section 2(b) of this chapter.

(k) For calendar quarters beginning on and after July 1, 2002, **and before July 1, 2003**, "wage credits" means remuneration paid for employment by an employer to an individual and remuneration received as tips or gratuities in accordance with Sections 3102 and 3301 et seq. of the Internal Revenue Code. Wage credits may not exceed seven thousand nine hundred dollars (\$7,900) and may not include payments that are excluded from the definition of wages under section 2(b) of this chapter.

(l) For calendar quarters beginning on and after July 1, 2003, "wage credits" means remuneration paid for employment by an employer to an individual and remuneration received as tips or gratuities in accordance with Sections 3102 and 3301 et seq. of the Internal Revenue Code. Wage credits may not exceed eight thousand five hundred dollars (\$8,500) and may not include payments that are excluded from the definition of wages under section 2(b) of this chapter.

SECTION 18. IC 22-4-12-2, AS AMENDED BY P.L.235-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) With respect to initial claims filed for any week beginning on and after July 6, 1980, and before July 7, 1985, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, benefits at the rate of four and three-tenths percent (4.3%) of the individual's wage credits in the calendar quarter during the individual's base period in which the wage credits were highest. However, the weekly benefit amount may not exceed:



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- (1) eighty-four dollars (\$84) if the eligible and qualified individual has no dependents;
- (2) ninety-nine dollars (\$99) if the eligible and qualified individual has one (1) dependent;
- (3) one hundred thirteen dollars (\$113) if the eligible and qualified individual has two (2) dependents;
- (4) one hundred twenty-eight dollars (\$128) if the eligible and qualified individual has three (3) dependents; or
- (5) one hundred forty-one dollars (\$141) if the eligible and qualified individual has four (4) or more dependents.

With respect to initial claims filed for any week beginning on and after July 7, 1985, and before July 6, 1986, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, benefits at the rate of four and three-tenths percent (4.3%) of the individual's wage credits in the calendar quarter during the individual's base period in which the wage credits were highest. However, the weekly benefit amount may not exceed:

- (1) ninety dollars (\$90) if the eligible and qualified individual has no dependents;
- (2) one hundred six dollars (\$106) if the eligible and qualified individual has one (1) dependent;
- (3) one hundred twenty-one dollars (\$121) if the eligible and qualified individual has two (2) dependents;
- (4) one hundred thirty-seven dollars (\$137) if the eligible and qualified individual has three (3) dependents; or
- (5) one hundred fifty-one dollars (\$151) if the eligible and qualified individual has four (4) or more dependents.

With respect to initial claims filed for any week beginning on and after July 6, 1986, and before July 7, 1991, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, benefits at the rate of four and three-tenths percent (4.3%) of the individual's wage credits in the calendar quarter during the individual's base period in which the wage credits were highest. However, the weekly benefit amount may not exceed:

- (1) ninety-six dollars (\$96) if the eligible and qualified individual has no dependents;
- (2) one hundred thirteen dollars (\$113) if the eligible and qualified individual has one (1) dependent;
- (3) one hundred twenty-nine dollars (\$129) if the eligible and qualified individual has two (2) dependents;



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(4) one hundred forty-seven dollars (\$147) if the eligible and qualified individual has three (3) dependents; or

(5) one hundred sixty-one dollars (\$161) if the eligible and qualified individual has four (4) or more dependents.

With respect to initial claims filed for any week beginning on and after July 7, 1991, benefits shall be paid in accordance with subsections (d) through (k).

For the purpose of this subsection and subsections (e) through (g), the term "dependent" means lawful husband or wife, natural child, adopted child, stepchild, if such stepchild is not receiving aid to dependent children under the welfare program, or child placed in the claimant's home for adoption by an authorized placement agency or a court of law, provided such child is under eighteen (18) years of age and that such dependent claimed has received more than one-half (1/2) the cost of support from the claimant during ninety (90) days (or for duration of relationship, if less) immediately preceding the claimant's benefit year beginning date, but only if such dependent who is the lawful husband or wife is unemployed and currently ineligible for Indiana benefits because of insufficient base period wages. The number and status of dependents shall be determined as of the beginning of the claimant's benefit period and shall not be changed during that benefit period.

With respect to initial claims filed for any week beginning on and after July 6, 1980, the term "dependent" shall include a person with a disability over eighteen (18) years of age who is a child of the claimant and who receives more than one-half (1/2) the cost of his support from the claimant during the ninety (90) day period immediately preceding the claimant's benefit year beginning date. "Child" includes a natural child, an adopted child, a stepchild of claimant, if the stepchild is not receiving aid to dependent children under the welfare program, or a child placed in the claimant's home for adoption by an authorized placement agency or a court of law. The term "disabled" means an individual who by reason of physical or mental defect or infirmity, whether congenital or acquired by accident, injury, or disease, is totally or partially prevented from achieving the fullest attainable physical, social, economic, mental, and vocational participation in the normal process of living.

For the purpose of this subsection, the term "dependent" includes a child for whom claimant is the court appointed legal guardian.

On and after July 6, 1980, and before July 7, 1991, if the weekly benefit amount is less than forty dollars (\$40), the board, through the commissioner, shall pay benefits at the rate of forty dollars (\$40) per

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week. On and after July 7, 1991, if the weekly benefit amount is less than fifty dollars (\$50), the board, through the commissioner, shall pay benefits at the rate of fifty dollars (\$50) per week. If such weekly benefit amount is not a multiple of one dollar (\$1), it shall be computed to the next lower multiple of one dollar (\$1).

(b) Each eligible individual who is partially or part-totally unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount, less his deductible income, if any, for such week. If such partial benefit is not a multiple of one dollar (\$1), it shall be computed to the next lower multiple of one dollar (\$1). Except for an individual who is totally unemployed, an individual who is not partially or part-totally unemployed is not eligible for any benefit. The board may prescribe rules governing the payment of such partial benefits, and may provide, with respect to individuals whose earnings cannot reasonably be computed on a weekly basis, that such benefits may be computed and paid on other than a weekly basis; however, such rules shall secure results reasonably equivalent to those provided in the analogous provisions of this section.

(c) The weekly extended benefit amount payable to an individual for a week of total unemployment in the individual's eligibility period shall be an amount equal to the weekly benefit amount payable to the individual during the individual's applicable benefit period, prior to any reduction of such weekly benefit amount.

(d) With respect to initial claims filed for any week beginning on and after July 7, 1991, and before July 1, 1995, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, benefits at the rate of:

- (1) five percent (5%) of the first one thousand dollars (\$1,000) of the individual's wage credits in the calendar quarter during the individual's base period in which the wage credits were highest; and
- (2) four percent (4%) of the individual's remaining wage credits in the calendar quarter during the individual's base period in which the wage credits were highest.

However, the weekly benefit amount may not exceed the amount specified in subsections (e) through (i).

(e) With respect to initial claims filed for any week beginning on and after July 7, 1991, and before July 5, 1992, the weekly benefit amount may not exceed:

- (1) one hundred sixteen dollars (\$116) if the eligible and qualified

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individual has no dependents;

(2) one hundred thirty-four dollars (\$134) if the eligible and qualified individual has one (1) dependent;

(3) one hundred fifty-three dollars (\$153) if the eligible and qualified individual has two (2) dependents; or

(4) one hundred seventy-one dollars (\$171) if the eligible and qualified individual has three (3) or more dependents.

(f) With respect to initial claims filed for any week beginning on and after July 5, 1992, and before July 4, 1993, the weekly benefit amount may not exceed:

(1) one hundred forty dollars (\$140) if the eligible and qualified individual has no dependents;

(2) one hundred sixty dollars (\$160) if the eligible and qualified individual has one (1) dependent; or

(3) one hundred eighty-one dollars (\$181) if the eligible and qualified individual has two (2) or more dependents.

(g) With respect to initial claims filed for any week beginning on and after July 4, 1993, and before July 3, 1994, the weekly benefit amount may not exceed:

(1) one hundred seventy dollars (\$170) if the eligible and qualified individual has no dependents; or

(2) one hundred ninety-two dollars (\$192) if the eligible and qualified individual has one (1) or more dependents.

(h) With respect to initial claims filed for any week beginning on or after July 3, 1994, and before July 1, 1995, the weekly benefit amount may not exceed two hundred two dollars (\$202).

(i) With respect to initial claims filed for any week on or after July 1, 1995, the weekly benefit amount will equal the amount that results from applying the percentages provided in subsections (j) through ~~(k)~~ (l) to the applicable maximum wage credits under IC 22-4-4-3.

(j) With respect to initial claims filed for any week beginning on and after July 1, 1995, and before July 1, 1997, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, benefits at the rate of:

(1) five percent (5%) of the first one thousand seven hundred fifty dollars (\$1,750) of the individual's wage credits in the calendar quarter during the individual's base period in which the wage credits were highest; and

(2) four percent (4%) of the individual's remaining wage credits in the calendar quarter during the individual's base period in which the wage credits were highest.

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However, the weekly benefit amount may not exceed the amount specified in subsection (i).

(k) With respect to initial claims filed for any week beginning on and after July 1, 1997, **and before July 1, 2004**, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid for the week, if properly claimed, benefits at the rate of:

- (1) five percent (5%) of the first two thousand dollars (\$2,000) of the individual's wage credits in the calendar quarter during the individual's base period in which the wage credits were highest; and
- (2) four percent (4%) of the individual's remaining wage credits in the calendar quarter during the individual's base period in which the wage credits were highest.

(l) With respect to initial claims filed for any week beginning on and after July 1, 2004, each eligible individual who is totally unemployed (as defined in IC 22-4-3-1) in any week in the individual's benefit period shall be paid if properly claimed according to the following:

(1) The weekly benefit amount shall be four and one-sixth percent (4 1/6%) of the average quarterly wages of the individual's total wages during the two (2) quarters of the individual's base year in which the individual's total wages were highest.

(2) The following maximum and minimum amounts payable each week shall be determined as of June 30 of each year in order to apply to a benefit year beginning in the twelve (12) month period immediately following June 30:

(A) The maximum amount payable each week shall be fifty percent (50%) of the average weekly wage for the period beginning January 1 and ending June 30 of the current year.

(B) The minimum amount payable each week shall be fifteen percent (15%) of the average weekly wage for the period beginning January 1 and ending June 30 of the current year.

SECTION 19. IC 22-4-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 4. ~~As a condition precedent to the payment of benefits to an individual with respect to any week such individual shall be required to serve a waiting period of one (1) week in which he has been totally, partially or part-totally unemployed and with respect to which he has received no benefits, but~~



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during which he was eligible for benefits in all other respects and was not otherwise ineligible for benefits under any provisions of this article. Such waiting period shall be a week in the individual's benefit period and during such week such individual shall be physically and mentally able to work and available for work. ~~No~~ An individual in a benefit period may **not** file for ~~waiting period or~~ benefit period rights with respect to any subsequent period. ~~Provided, however, That no waiting period shall be required as a prerequisite for drawing extended benefits. "~~

Page 28, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 21. IC 22-4-15-1, AS AMENDED BY P.L.290-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) With respect to benefit periods established on and after July 6, 1980, an individual who has voluntarily left the individual's most recent employment without good cause in connection with the work or who was discharged from the individual's most recent employment for just cause is ineligible for ~~waiting period or~~ benefit rights for the week in which the disqualifying separation occurred and until the individual has earned remuneration in employment equal to or exceeding the weekly benefit amount of the individual's claim in each of eight (8) weeks. If the qualification amount has not been earned at the expiration of an individual's benefit period, the unearned amount shall be carried forward to an extended benefit period or to the benefit period of a subsequent claim.

(b) When it has been determined that an individual has been separated from employment under disqualifying conditions as outlined in this section, the maximum benefit amount of ~~his~~ **the individual's** current claim, as initially determined, shall be reduced by twenty-five percent (25%). If twenty-five percent (25%) of the maximum benefit amount is not an even dollar amount, the amount of such reduction will be raised to the next higher even dollar amount. The maximum benefit amount may not be reduced by more than twenty-five percent (25%) during any benefit period or extended benefit period.

(c) The disqualifications provided in this section shall be subject to the following modifications:

(1) An individual shall not be subject to disqualification because of separation from the individual's employment if:

(A) the individual left to accept with another employer previously secured permanent full-time work which offered reasonable expectation of continued covered employment and betterment of wages or working conditions; and thereafter was employed on said job;



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(B) having been simultaneously employed by two (2) employers, the individual leaves one (1) such employer voluntarily without good cause in connection with the work but remains in employment with the second employer with a reasonable expectation of continued employment; or
 (C) the individual left to accept recall made by a base period employer.

(2) An individual whose unemployment is the result of medically substantiated physical disability and who is involuntarily unemployed after having made reasonable efforts to maintain the employment relationship shall not be subject to disqualification under this section for such separation.

(3) An individual who left work to enter the armed forces of the United States shall not be subject to disqualification under this section for such leaving of work.

(4) An individual whose employment is terminated under the compulsory retirement provision of a collective bargaining agreement to which the employer is a party, or under any other plan, system, or program, public or private, providing for compulsory retirement and who is otherwise eligible shall not be deemed to have left the individual's work voluntarily without good cause in connection with the work. However, if such individual subsequently becomes reemployed and thereafter voluntarily leaves work without good cause in connection with the work, the individual shall be deemed ineligible as outlined in this section.

(5) An otherwise eligible individual shall not be denied benefits for any week because the individual is in training approved under Section 236(a)(1) of the Trade Act of 1974, nor shall the individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any week in training of provisions in this law (or any applicable federal unemployment compensation law), relating to availability for work, active search for work, or refusal to accept work. For purposes of this subdivision, the term "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the Trade Act of 1974), and wages for such work at not less than eighty percent (80%) of the individual's average weekly wage as determined for the purposes of the Trade Act of 1974.

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(6) An individual is not subject to disqualification because of separation from the individual's employment if:

- (A) the employment was outside the individual's labor market;
- (B) the individual left to accept previously secured full-time work with an employer in the individual's labor market; and
- (C) the individual actually became employed with the employer in the individual's labor market.

(7) An individual who, but for the voluntary separation to move to another labor market to join a spouse who had moved to that labor market, shall not be disqualified for that voluntary separation, if the individual is otherwise eligible for benefits. Benefits paid to the spouse whose eligibility is established under this subdivision shall not be charged against the employer from whom the spouse voluntarily separated.

(8) An individual who is an affected employee (as defined in IC 22-4-43-1(1)) and is subject to the work sharing unemployment insurance program under IC 22-4-43 is not disqualified for participating in the work sharing unemployment insurance program.

As used in this subsection, "labor market" means the area surrounding an individual's permanent residence, outside which the individual cannot reasonably commute on a daily basis. In determining whether an individual can reasonably commute under this subdivision, the department shall consider the nature of the individual's job.

(d) "Discharge for just cause" as used in this section is defined to include but not be limited to:

- (1) separation initiated by an employer for falsification of an employment application to obtain employment through subterfuge;
- (2) knowing violation of a reasonable and uniformly enforced rule of an employer;
- (3) unsatisfactory attendance, if the individual cannot show good cause for absences or tardiness;
- (4) damaging the employer's property through willful negligence;
- (5) refusing to obey instructions;
- (6) reporting to work under the influence of alcohol or drugs or consuming alcohol or drugs on employer's premises during working hours;
- (7) conduct endangering safety of self or coworkers; or
- (8) incarceration in jail following conviction of a misdemeanor or felony by a court of competent jurisdiction or for any breach of duty in connection with work which is reasonably owed an

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employer by an employee.

SECTION 22. IC 22-4-15-2, AS AMENDED BY P.L.290-2001, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) With respect to benefit periods established on and after July 3, 1977, an individual is ineligible for ~~waiting period~~ or benefit rights, or extended benefit rights, if the department finds that, being totally, partially, or part-totally unemployed at the time when the work offer is effective or when the individual is directed to apply for work, the individual fails without good cause:

(1) to apply for available, suitable work when directed by the commissioner, the deputy, or an authorized representative of the department of workforce development or the United States training and employment service;

(2) to accept, at any time after the individual is notified of a separation, suitable work when found for and offered to the individual by the commissioner, the deputy, or an authorized representative of the department of workforce development or the United States training and employment service, or an employment unit; or

(3) to return to the individual's customary self-employment when directed by the commissioner or the deputy.

(b) With respect to benefit periods established on and after July 6, 1980, the ineligibility shall continue for the week in which the failure occurs and until the individual earns remuneration in employment equal to or exceeding the weekly benefit amount of the individual's claim in each of eight (8) weeks. If the qualification amount has not been earned at the expiration of an individual's benefit period, the unearned amount shall be carried forward to an extended benefit period or to the benefit period of a subsequent claim.

(c) With respect to extended benefit periods established on and after July 5, 1981, the ineligibility shall continue for the week in which the failure occurs and until the individual earns remuneration in employment equal to or exceeding the weekly benefit amount of the individual's claim in each of four (4) weeks.

(d) If an individual failed to apply for or accept suitable work as outlined in this section, the maximum benefit amount of the individual's current claim, as initially determined, shall be reduced by twenty-five percent (25%). If twenty-five percent (25%) of the maximum benefit amount is not an even dollar amount, the amount of such reduction shall be raised to the next higher even dollar amount. The maximum benefit amount of the individual's current claim may not be reduced by more than twenty-five percent (25%) during any benefit

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period or extended benefit period.

(e) In determining whether or not any such work is suitable for an individual, the department shall consider:

- (1) the degree of risk involved to such individual's health, safety, and morals;
- (2) the individual's physical fitness and prior training and experience;
- (3) the individual's length of unemployment and prospects for securing local work in the individual's customary occupation; and
- (4) the distance of the available work from the individual's residence.

However, work under substantially the same terms and conditions under which the individual was employed by a base-period employer, which is within the individual's prior training and experience and physical capacity to perform, shall be considered to be suitable work unless the claimant has made a bona fide change in residence which makes such offered work unsuitable to the individual because of the distance involved.

(f) Notwithstanding any other provisions of this article, no work shall be considered suitable and benefits shall not be denied under this article to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

- (1) If the position offered is vacant due directly to a strike, lockout, or other labor dispute.
- (2) If the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.
- (3) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining a bona fide labor organization.
- (4) If as a condition of being employed the individual would be required to discontinue training into which the individual had entered with the approval of the department.

(g) Notwithstanding subsection (e), with respect to extended benefit periods established on and after July 5, 1981, "suitable work" means any work which is within an individual's capabilities. However, if the individual furnishes evidence satisfactory to the department that the individual's prospects for obtaining work in the individual's customary occupation within a reasonably short period are good, the determination of whether any work is suitable work shall be made as provided in subsection (e).

(h) With respect to extended benefit periods established on and after

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July 5, 1981, no work shall be considered suitable and extended benefits shall not be denied under this article to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) If the gross average weekly remuneration payable to the individual for the position would not exceed the sum of:

(A) the individual's average weekly benefit amount for the individual's benefit year; plus

(B) the amount (if any) of supplemental unemployment compensation benefits (as defined in Section 501(c)(17)(D) of the Internal Revenue Code) payable to the individual for such week.

(2) If the position was not offered to the individual in writing or was not listed with the department of workforce development.

(3) If such failure would not result in a denial of compensation under the provisions of this article to the extent that such provisions are not inconsistent with the applicable federal law.

(4) If the position pays wages less than the higher of:

(A) the minimum wage provided by 29 U.S.C. 206(a)(1) (The Fair Labor Standards Act of 1938), without regard to any exemption; or

(B) the state minimum wage (IC 22-2-2).

(i) The department of workforce development shall refer individuals eligible for extended benefits to any suitable work (as defined in subsection (g)) to which subsection (h) would not apply."

Page 28, line 38, strike "waiting period or".

Page 29, line 34, strike "waiting period or".

Page 30, after line 34, begin a new paragraph and insert:

"SECTION 25. IC 22-4-15-4, AS AMENDED BY P.L.290-2001, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) An individual ~~shall be~~ **is** ineligible for ~~waiting period or~~ benefit rights for any week with respect to which the individual receives, is receiving, or has received payments equal to or exceeding ~~his~~ **the individual's** weekly benefit amount in the form of:

(1) deductible income as defined and applied in IC 22-4-5-1 and IC 22-4-5-2; or

(2) any pension, retirement or annuity payments, under any plan of an employer whereby the employer contributes a portion or all of the money. This disqualification shall apply only if some or all of the benefits otherwise payable are chargeable to the experience or reimbursable account of ~~such~~ **the** employer, or would have been chargeable except for the application of this chapter. For ~~the~~

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purposes of this subdivision, ~~(2)~~, federal old age, survivors, and disability insurance benefits are not considered payments under a plan of an employer whereby the employer maintains the plan or contributes a portion or all of the money to the extent required by federal law.

(b) If the payments described in subsection (a) are less than ~~his~~ **the individual's** weekly benefit amount an otherwise eligible individual ~~shall be~~ is not be ineligible and shall be entitled to receive for such week benefits reduced by the amount of such payments.

(c) This section does not preclude an individual from delaying a claim to pension, retirement, or annuity payments until the individual has received the benefits to which the individual would otherwise be eligible under this chapter. Weekly benefits received before the date the individual elects to retire shall not be reduced by any pension, retirement, or annuity payments received on or after the date the individual elects to retire.

SECTION 26. IC 22-4-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. Except as provided in IC ~~1971~~, 22-4-22, an individual ~~shall be~~ is ineligible for ~~waiting period or~~ benefit rights for any week with respect to which or a part of which ~~he~~ **the individual** receives, is receiving, has received or is seeking unemployment benefits under an unemployment compensation law of another state or of the United States. ~~Provided, that~~ **However,** this disqualification shall not apply if the appropriate agency of such other state or of the United States finally determines that ~~he~~ **the individual** is not entitled to such employment benefits, including benefits to federal civilian employees and ex-servicemen pursuant to 5 U.S.C. Chapter 85.

SECTION 27. IC 22-4-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. Notwithstanding any other provisions of this article, if an individual knowingly fails to disclose amounts earned during any week in ~~his waiting period~~, **the individual's** benefit period or extended benefit period with respect to which benefit rights or extended benefit rights are claimed, or knowingly fails to disclose or has falsified as to any fact ~~which that~~ would have disqualified ~~him~~ **the individual** or rendered ~~him~~ **the individual** ineligible for benefits or extended benefits or would have reduced ~~his~~ **the individual's** benefit rights or extended benefit rights during such a week, all of ~~his~~ **the individual's** wage credits established prior to the week of the falsification or failure to disclose shall be cancelled, and any benefits or extended benefits ~~which that~~ might otherwise have become payable to ~~him~~ **the individual** and any benefit

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rights or extended benefit rights based upon those wage credits shall be forfeited.

SECTION 28. IC 22-4-17-2, AS AMENDED BY P.L.290-2001, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) When an individual files an initial claim, the department shall promptly make a determination of ~~his~~ **the individual's** status as an insured worker in a form prescribed by the board. A written notice of the determination of insured status shall be furnished ~~him~~ **to the individual** promptly. Each such determination shall be based on and include a written statement showing the amount of wages paid to the individual for insured work by each employer during the individual's base period and shall include a finding as to whether such wages meet the requirements for the individual to be an insured worker, and, if so, the week ending date of the first week of the individual's benefit period, the individual's weekly benefit amount, and the maximum amount of benefits that may be paid to the individual for weeks of unemployment in the individual's benefit period. For the individual who is not insured, the notice shall include the reason for the determination. Unless the individual, within twenty (20) days after such determination was mailed to the individual's last known address, or otherwise delivered to the individual, asks a hearing thereon before an administrative law judge, such determination shall be final and benefits shall be paid or denied in accordance therewith.

(b) The department shall promptly furnish each employer in the base period whose experience or reimbursable account is potentially chargeable with benefits to be paid to such individual with a notice in writing of the employer's benefit liability. Such notice shall contain the date, the name and social security account number of the individual, the ending date of the individual's base period, and the week ending date of the first week of the individual's benefit period. Such notice shall further contain information as to the proportion of benefits chargeable to the employer's experience or reimbursable account in ratio to the earnings of such individual from such employer. Unless the employer, within twenty (20) days after such notice of benefit liability was mailed to the employer's last known address, or otherwise delivered to the employer, asks a hearing thereon before an administrative law judge, such determination shall be final and benefits paid shall be charged in accordance therewith.

(c) An employing unit, including an employer, having knowledge of any facts which may affect an individual's eligibility or right to waiting period credits or benefits, shall notify the department of such facts within twenty (20) days after the mailing of notice that a former

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employee has filed an initial or additional claim for benefits on a form prescribed by the board.

(d) In addition to the foregoing determination of insured status by the department, the deputy shall, throughout the benefit period, determine the claimant's eligibility with respect to each week for which the claimant claims ~~waiting period credit~~ or benefit rights, the validity of the claimant's claim therefor, and the cause for which the claimant left the claimant's work, or may refer such claim to an administrative law judge who shall make the initial determination with respect thereto in accordance with the procedure in IC 22-4-17-3.

(e) In cases where the claimant's benefit eligibility or disqualification is disputed, the department shall promptly notify the claimant and the employer or employers directly involved or connected with the issue raised as to the validity of such claim, the eligibility of the claimant for ~~waiting period credit~~ or benefits, or the imposition of a disqualification period or penalty, or the denial thereof, and of the cause for which the claimant left the claimant's work, of such determination and the reasons thereof. Except as otherwise hereinafter provided in this subsection regarding parties located in Alaska, Hawaii, and Puerto Rico, unless the claimant or such employer, within twenty (20) days after such notification was mailed to the claimant's or the employer's last known address, or otherwise delivered to the claimant or the employer, asks a hearing before an administrative law judge thereon, such decision shall be final and benefits shall be paid or denied in accordance therewith. With respect to notice of disputed administrative determination or decision mailed or otherwise delivered to the claimant or employer either of whom is located in Alaska, Hawaii, or Puerto Rico, unless such claimant or employer, within twenty-five (25) days after such notification was mailed to the claimant's or employer's last known address or otherwise delivered to the claimant or employer, asks a hearing before an administrative law judge thereon, such decision shall be final and benefits shall be paid or denied in accordance therewith. If such hearing is desired, the request therefor shall be filed with the commissioner in writing within the prescribed periods as above set forth in this subsection and shall be in such form as the board may prescribe. In the event a hearing is requested by an employer or the department after it has been administratively determined that benefits should be allowed to a claimant, entitled benefits shall continue to be paid to said claimant unless said administrative determination has been reversed by a due process hearing. Benefits with respect to any week not in dispute shall be paid promptly regardless of any appeal.

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(f) ~~No~~ A person may **not** participate on behalf of the department in any case in which the person is an interested party.

(g) Solely on the ground of obvious administrative error appearing on the face of an original determination, and within the benefit year of the affected claims, the commissioner, or a representative authorized by the commissioner to act in the commissioner's behalf, may reconsider and direct the deputy to revise the original determination so as to correct the obvious error appearing therein. Time for filing an appeal and requesting a hearing before an administrative law judge regarding the determinations handed down pursuant to this subsection shall begin on the date following the date of revision of the original determination and shall be filed with the commissioner in writing within the prescribed periods as above set forth in subsection (c).

(h) Notice to the employer and the claimant that the determination of the department is final if a hearing is not requested shall be prominently displayed on the notice of the determination which is sent to the employer and the claimant.

SECTION 28. IC 22-4-43 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 43. Work Sharing

Sec. 1. As used in this chapter:

- (1) "Affected employee" means an individual who has been continuously on the payroll of an affected unit for at least three (3) months before the employing unit submits a work sharing plan.
- (2) "Affected unit" means a specific plant, department, shift, or other definable unit of an employing unit:
 - (A) that has at least two (2) employees; and
 - (B) to which an approved work sharing plan applies.
- (3) "Approved work sharing plan" means a plan that satisfies the purpose set forth in section 2 of this chapter and has the approval of the commissioner.
- (4) "Commissioner" means the commissioner of workforce development appointed under IC 22-4.1-3-1.
- (5) "Employee association" means:
 - (A) an association that is a party to a collective bargaining agreement under which it may negotiate a work sharing plan; or
 - (B) an association authorized by all of its members to become a party to a work sharing plan.
- (6) "Normal weekly work hours" means the lesser of:



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- (A) the number of hours in a week that an employee customarily works for the regular employing unit; or
- (B) forty (40) hours.

(7) "Work sharing plan" means a plan of an employing unit or employer association under which:

- (A) normal weekly work hours of affected employees are reduced; and
- (B) affected employees share the work that remains after the reduction.

(8) "Work sharing benefit" means benefits payable to an affected employee for work performed under an approved work sharing plan, including benefits payable to a federal civilian employee or former member of the armed forces under 5 U.S.C. 8500 et seq., but does not include benefits that are otherwise payable under this article.

(9) "Work sharing employer" means an employing unit or employer association for which a work sharing plan has been approved.

Sec. 2. The work sharing unemployment insurance program seeks to:

- (1) preserve the jobs of employees and the work force of an employer during lowered economic activity by reduction in work hours or workdays rather than by a layoff of some employees while other employees continue their normal weekly work hours or workdays; and
- (2) ameliorate the adverse effect of reduction in business activity by providing benefits for the part of the normal weekly work hours or workdays in which an employee does not work.

Sec. 3. An employing unit or employee association that wishes to participate in the work sharing unemployment insurance program shall submit to the commissioner a written work sharing plan that the employing unit or representative of the employee association has signed.

Sec. 4. (a) Within fifteen (15) days after receipt of a work sharing plan, the commissioner shall give written approval or disapproval of the plan to the employing unit or employee association.

(b) The decision of the commissioner to disapprove a work sharing plan is final and may not be appealed.

(c) An employing unit or employee association may submit a new work sharing plan not less than fifteen (15) days after

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disapproval of a work sharing plan.

Sec. 5. The commissioner shall approve a work sharing plan that meets the following requirements:

- (1) The work sharing plan must apply to:
 - (A) at least ten percent (10%) of the employees in an affected unit; or
 - (B) at least twenty (20) employees in an affected unit in which the work sharing plan applies equally to all affected employees.
- (2) The normal weekly work hours of affected employees in the affected unit shall be reduced by at least ten percent (10%) but the reduction may not exceed fifty percent (50%) unless waived by the commissioner.

Sec. 6. A work sharing plan must:

- (1) identify the affected unit;
- (2) identify each employee in the affected unit by:
 - (A) name;
 - (B) Social Security number; and
 - (C) any other information that the commissioner requires;
- (3) specify an expiration date that is not more than six (6) months after the effective date of the work sharing plan;
- (4) specify the effect that the work sharing plan will have on the fringe benefits of each employee in the affected unit including:
 - (A) health insurance for hospital, medical, dental, and similar services;
 - (B) retirement benefits under benefit pension plans as defined in the federal Employee Retirement Security Act (29 U.S.C. 1001 et seq.);
 - (C) holiday and vacation pay;
 - (D) sick leave; and
 - (E) similar advantages;
- (5) certify that:
 - (A) each affected employee has been continuously on the payroll of the employing unit for three (3) months immediately before the date on which the employing unit or employer association submits the work sharing plan; and
 - (B) the total reduction in normal weekly work hours is in place of layoffs that would have:
 - (i) affected at least the number of employees specified in section 5(1) of this chapter; and

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- (ii) would have resulted in an equivalent reduction in work hours; and
- (6) contain the written approval of:
 - (A) the collective bargaining agent for each collective bargaining agreement that covers any affected employee in the affected unit; or
 - (B) if there is no agent, a representative of the employees or employee association in the affected unit.

Sec. 7. If a work sharing plan serves the work sharing employer as a transitional step to permanent staff reduction, the work sharing plan must contain a reemployment assistance plan for each affected employee that the work sharing employer develops with the commissioner.

Sec. 8. The work sharing employer shall agree to:

- (1) submit reports that are necessary to administer the work sharing plan; and
- (2) allow the department to have access to all records necessary to:
 - (A) verify the work sharing plan before its approval; and
 - (B) monitor and evaluate the application of the work sharing plan after its approval.

Sec. 9. (a) An approved work sharing plan may be modified if the modification meets the requirements for approval under section 6 of this chapter and the commissioner approves the modifications.

(b) An employing unit may add an employee to a work sharing plan when the employee has been continuously on the payroll for three (3) months.

(c) An approved modification of a work sharing plan may not change its expiration date.

Sec. 10. (a) An affected employee is eligible under section 12 of this chapter to receive work sharing benefits for each week in which the commissioner determines that the affected employee is:

- (1) able to work; and
- (2) available for more hours of work or full-time work for the worksharing employer.

(b) An affected employee who otherwise is eligible may not be denied work sharing benefits for lack of effort to secure work as set forth in IC 22-4-14-3 or for failure to apply for available suitable work as set forth in IC 22-4-15-2 from a person other than the work sharing employer.

(c) An affected employee shall apply for benefits under

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IC 22-4-17-1.

(d) An affected employee who otherwise is eligible for benefits is:

- (1) considered to be unemployed for the purpose of the work sharing unemployment insurance program; and
- (2) not subject to the requirements of IC 22-4-14-2.

Sec. 11. The weekly work sharing unemployment compensation benefit due to an affected worker is determined in STEP FOUR of the following formula:

STEP ONE: Determine the weekly benefit that would be due to the affected employee under IC 22-4-12-4.

STEP TWO: Determine the percentage of reduction in the employee's normal work hours as to those under the approved work sharing plan.

STEP THREE: Multiply the number determined in STEP ONE by the quotient determined in STEP TWO.

STEP FOUR: If the product determined under STEP THREE is not a multiple of one dollar (\$1), round down to the nearest lower multiple of one dollar (\$1).

Sec. 12. (a) An affected employee is eligible to receive not more than twenty six (26) weeks of work sharing benefits during each benefit year.

(b) The total amount of benefits payable under IC 22-4-12-4 and work sharing benefits payable under this chapter may not exceed the total payable for the benefit year under IC 22-4-12-4(a).

Sec. 13. The board shall establish rules under IC 4-22-2 applicable to partially unemployed workers for determining their weekly benefit amount due under this chapter, subject to IC 22-4-12-5(b).

Sec. 14. During a week in which an affected employee who otherwise is eligible for benefits does not work for the work sharing employer:

- (1) the individual shall be paid benefits in accordance with this chapter; and
- (2) the week does not count as a week for which a work sharing benefit is received.

Sec. 15. During a week in which an employee earns wages under an approved work sharing plan and other wages, the work sharing benefit shall be reduced by the same percentage that the combined wages are of wages for normal weekly work hours if the other wages:

- (1) exceed the wages earned under the approved work sharing



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plan; and

(2) do not exceed ninety percent (90%) of the wages that the individual earns for normal weekly work hours.

This computation applies regardless of whether the employee earned the other wage from the work sharing employer or other employer.

Sec. 16. While an affected employee applies for or receives work sharing benefits, the affected employee is not eligible for:

- (1) extended benefits under IC 22-4-12-4; or
- (2) supplemental federal unemployment compensation.

Sec. 17. The commissioner may revoke approval of an approved work sharing plan for good cause, including:

- (1) conduct or an occurrence that tends to defeat the intent and effective operation of the approved work sharing plan;
- (2) failure to comply with an assurance in the approved work sharing plan;
- (3) unreasonable revision of a productivity standard of the affected unit; and
- (4) violation of a criterion on which the commissioner based the approval of the work sharing plan.

SECTION 29. IC 22-4-44 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 44. Expanded Unemployment Insurance Benefits While in State Training

Sec. 1. It is the intent of the general assembly that:

- (1) a training benefits program be established to provide unemployment insurance benefits to unemployed individuals who participate in training programs necessary for their reemployment;
- (2) funding for the program be limited by a specified maximum amount each fiscal year;
- (3) individuals unemployed as a result of structural changes in the economy and technological advances rendering their skills obsolete must receive the highest priority for participation in the program;
- (4) individuals for whom suitable employment is available are not eligible for additional benefits while participating in training; and
- (5) the program shall serve the following goals:
 - (A) Retraining should be available for those unemployed individuals whose skills are no longer in demand.



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(B) To be eligible for retraining, an individual must have a long term attachment to the labor force.

(C) Training must enhance the individual's marketable skills and earning power.

(D) Retraining must be targeted to those industries or skills that are in high demand within the labor market.

Sec. 2. The following definitions apply throughout this chapter:

(1) "High demand" means demand for employment that exceeds the supply of qualified workers for occupations or skill sets in a labor market area.

(2) "State educational institution" has the meaning set forth in IC 20-12-0.5-1 and includes an equivalent educational institution in another state that also receives appropriations from the general assembly of the other state.

(3) "Sufficient tenure" means earning a plurality of wages in a particular occupation or using a particular skill set during the base period and at least two (2) of the four (4) twelve (12) month periods immediately preceding the base period.

(4) "Training benefits" means additional benefits paid under this chapter.

(5) "Training program" means:

(A) an education program determined to be necessary as a prerequisite to vocational training after counseling at the state educational institution in which the individual enrolls under the individual's approved training program; or

(B) a vocational training program at a state educational institution that:

(i) is targeted to training for a high demand occupation. Beginning July 1, 2002, the assessment of high demand occupations authorized for training under this chapter must be substantially based on labor market and employment information developed by the department of employment and training services in cooperation with the commissioner of labor under IC 22-1-1-8(2);

(ii) is likely to enhance the individual's marketable skills and earning power; and

(iii) meets the criteria for performance developed by the department of employment and training services for the purpose of determining those training programs eligible for funding under 29 U.S.C. 2911 et seq.

The term does not include any course of education primarily intended to meet the requirements of a baccalaureate or

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higher degree, unless the training meets specific requirements for certification, licensing, or specific skills necessary for the occupation.

Sec. 3. Subject to availability of funds, training benefits are available for an individual who meets all the following conditions:

- (1) The individual is eligible for or has exhausted entitlement to unemployment compensation benefits.**
- (2) The individual is a dislocated worker who:**
 - (A) has been terminated or received a notice of termination from employment;**
 - (B) is eligible for or has exhausted entitlement to unemployment compensation benefits; and**
 - (C) is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for the individual's skills in that occupation or industry.**
- (3) Except as provided under subdivision (4), the individual has demonstrated, through a work history, sufficient tenure in an occupation or in work with a particular skill set. This screening will take place during the assessment process.**
- (4) The individual is, after assessment of demand for the individual's occupation or skills in the individual's labor market, determined to need job related training to find suitable employment in the individual's labor market. Beginning July 1, 2002, the assessment of demand for the individual's occupation or skill sets must be substantially based on declining occupation or skill sets identified in local labor market areas by the department of employment and training services.**
- (5) The individual develops an individual training program that is submitted to the commissioner for approval within sixty (60) days after the individual is notified by the department of the requirements of this section.**
- (6) The individual enters the approved training program within ninety (90) days after the date of the notification, unless the department determines that the training is not available during the ninety (90) day period, in which case the individual enters training as soon as it is available.**
- (7) The individual is enrolled in training approved under this chapter on a full-time basis as determined by the state educational institution and is making satisfactory progress in the training as certified by the state educational institution.**

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Sec. 4. An individual is not eligible for training benefits under this chapter if the individual:

- (1) is a standby claimant who expects recall to his or her regular employer;**
- (2) has a definite recall date that is within six (6) months after the date the individual has been laid off; or**
- (3) is unemployed due to regular seasonal employment as defined in IC 22-4-8-4(a).**

Sec. 5. Benefits shall be paid as follows:

- (1) The total training benefit amount shall be fifty-two (52) times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid or considered paid with respect to the benefit year.**
- (2) The weekly benefit amount shall be the same as the regular weekly amount payable during the applicable benefit year and shall be paid under the same terms and conditions as regular benefits. The training benefits shall be paid before any extended benefits but not before any similar federally funded program.**
- (3) Training benefits are not payable for weeks more than two (2) years beyond the end of the benefit year of the regular claim.**

Sec. 6. The provisions of IC 22-4-2-34(i) relating to exhaustees and regular benefits do not apply to an individual otherwise eligible for training benefits under this chapter when the individual's benefit year ends before the training benefits are exhausted and the individual is eligible for a new benefit year. The individual will have the option of remaining on the original claim or filing a new claim.

Sec. 7. An individual who receives training benefits under this chapter or under any previous additional benefits program for training is not eligible for training benefits under this chapter for five (5) years from the last receipt of training benefits under this chapter or under any previous additional benefits program for training.

Sec. 8. All base period employers are interested parties to the approval of training and the granting of training benefits.

Sec. 9. By July 1, 2002, the department of employment and training services in cooperation with the commissioner of labor under IC 22-1-1-8(2) must identify occupations and skill sets that are declining and occupations and skill sets that are in high demand. Thereafter, the department of employment and training

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services shall update this information annually or more frequently if needed.

Sec. 10. The department is authorized to pay training benefits under section 3 of this chapter but may not obligate expenditures beyond the appropriation made by the general assembly or beyond funds available to the department under IC 22-4-40-11. The department shall develop a procedure to ensure that expenditures do not exceed available funds and to prioritize access to funds when again available.

Sec. 11. The department shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 30. [EFFECTIVE JULY 1, 2002] (a) Notwithstanding IC 22-4-43-13, as added by this act, the unemployment insurance board shall carry out the duties imposed upon it under IC 22-4-43-13, as added by this act, under interim written guidelines approved by the commissioner of workforce development.

(b) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 22-4-43-13, as added by this act.

(2) December 31, 2003.

SECTION 31. [EFFECTIVE JULY 1, 2002] (a) Notwithstanding IC 22-4-44-9, as added by this act, the department of workforce development shall carry out the duties imposed upon it under IC 22-4-44-9, as added by this act, under interim written guidelines approved by the commissioner of workforce development.

(b) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 22-4-44-9, as added by this act.

(2) December 31, 2003.

SECTION 32. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 22-4-2-12, as amended by this act, the department of workforce development shall carry out the duties imposed upon it under IC 22-4-2-12 under interim written guidelines approved by the commissioner of the department of workforce development.

(b) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 22-4-2-12, as amended by this act.

(2) December 31, 2003.

SECTION 33. An emergency is declared for this act."

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1313 as introduced.)

LIGGETT, Chair

Committee Vote: yeas 8, nays 5.

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